

OCTOBER 18, 2005 AGENDA REPORTS

REVISED:

**--Agenda Item #19 - Capital Improvement Program Planned Savings Projects.
(All Districts)**

--Agenda Item # 32 - Public Hearing on Proposed Assessments for Thirty-eight (38) Water Projects, Thirty-seven (37) Sewer Projects, and Seventeen (17) Storm Sewer Projects in February 2006 Bond Sale Series 784. (All Districts)

**--Agenda Item #33 - Public Hearing on Proposed Assessments for Forty (40) Paving Projects in February 2006 Bond Sales Series 784.
(All Districts)**

Agenda Item No. 6a.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0906

TO: Mayor and City Council Members

SUBJECT: Petition to Renovate Building Facade for Old Town Courtyard by Marriott
(District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. Up to two facades per building can be improved with 25% of the cost up to \$30,000 in the form of a forgivable loan. On May 3, 2005, the City Council waived certain requirements so that the Courtyard by Marriott Hotel in Old Town is eligible for the program. The hotel developer has submitted the required Petition. The signature on the Petition represents 100% of the improvement district.

Analysis: The facade project will be one component of a building project that will renovate and enlarge the Printing Inc warehouse on the north side of 2nd Street, west of Washington into a new hotel building.

Financial Considerations: The estimated facade project cost is \$600,000, with \$570,000 paid by special assessments and \$30,000 by a forgivable loan.

Legal Considerations: State Statutes provide the City Council authority to use Special Assessment funding for the project. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Recommendation/Action: It is recommended that the City Council approve the Petition, adopt the Resolution, approve the Facade Easement and authorize the necessary signatures.

Agenda Item No. 6b.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0907

TO: Mayor and City Council Members

SUBJECT: Petitions for Street Paving, Sanitary Sewer, and Water Distribution System to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide paving, sanitary sewer, and water service to a new residential development located south of Kellogg, west of Greenwich.

Financial Considerations: The Petitions total \$468,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions, adopt the Resolutions and authorize necessary signatures.

Agenda Item No. 6c.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0908

TO: Mayor and City Council Members

SUBJECT: Petitions for Street Paving, Sanitary Sewer, Drainage and Water Distribution System to serve Equestrian Estates Addition (south of Harry, east of 127th St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide paving, sanitary sewer, drainage and water service to a new residential development located south of Harry, east of 127th St. East.

Financial Considerations: The Petitions total \$1,105,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions, adopt the Resolutions and authorize the necessary signatures.

Agenda Item No. 6d.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0909

TO: Mayor and City Council Members

SUBJECT: Petitions to construct Sanitary Sewer Improvements in Meadowland Addition
(north of Kellogg, east of 127th St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the new Petitions.

Background: On March 19, 2002, the City Council approved a Petition to construct a sanitary sewer to serve Meadowland Addition. The developer has submitted new Petitions that split the original project into two phases to accommodate the development in the area. The signature on the new Petitions represents 100% of the improvement districts.

Analysis: The projects will serve a new commercial development located north of Kellogg, east of 127th St. East.

Financial Considerations: The project budgets total \$174,000 with the total paid by special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the new Petitions, adopt the Resolutions and authorize the necessary signatures.

Agenda Item # 10a.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0910

TO: Mayor and City Council

SUBJECT: Art Consultant/Broker Services Agreement- WaterWalk Redevelopment (District I)

INITIATED BY: Finance Department

AGENDA: Consent

Recommendation: Approve the contract.

Background: On October 12, 2004, the City Council approved an amendment to the Development Agreement between the City and WaterWalk LLC for the destination retailer improvements (Gander Mountain). In addition, the City Council increased the Public Improvements budget by \$1 million dollars to enhance the public art component.

On August 10, 2005, the City issued a competitive Request for Proposals (RFP) for a art consultant to provide planning and evaluation services, design services, and project management services for all of the public art elements to be installed by the City in the WaterWalk project. On October 4, 2005 a Staff Screening and Selection Committee unanimously approved the proposal submitted by the Greteman Group.

Analysis: The balance of the Public Improvements for the WaterWalk project will be designed in the near future. To ensure the public art component is integrated with the design of the Public Improvements and the Design Council reviews the public art as needed, a contract has been drafted with the Greteman Group, Inc. to provide art consultant and brokerage services for the design and installation of the public art components.

The Greteman Group, Inc. will provide the Planning and Evaluation, Design Services and Project Management for the public art. This includes, but is not limited to:

§ Provide creative concepts for WaterWalk Public Art Program and identify potential art opportunities and locations.

§ Secure artists and provide information to the various artists on scale, theme, location, color palette, timelines and all details and criteria associated with the Public Art program.

§ Provide Public Art designs to the City for review and approval.

§ Provide estimated operating costs for each art element proposed to be created/installed.

§ Provide project management throughout the project coordinating the artists with the City architects and City staff. City staff will coordinate with the Developer.

§ Present Public Art program to various boards, committees, Task Teams and City staff on an "as needed" basis.

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§ Manage the timelines and schedules relative to the Public Art program.

- § Negotiate contracts with the artists.
- § Review artists concepts, shop drawings, sample materials to maintain consistency throughout the project.
- § Assemble cohesive presentation boards to include all art elements.
- § Inspect the artists' work.
- § Supervise details and quality of each Public Art element.
- § Manage the Public Art budget.

Financial Considerations: The contract amount is a not to exceed fee of \$50,000. Funds are available in the WaterWalk budget to pay these expenses.

Legal Considerations: The City Attorney has reviewed the agreement and approved it as to form.

Recommendations/Actions: It is recommended the City Council approve the Art Consultant/Broker Services Agreement and authorize the Mayor to sign.

Agenda Item No. 10b.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0911

TO: Mayor and City Council

SUBJECT: Cheney Watershed Demonstration Projects - Working Agreement

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Working Agreement with the Reno County Conservation District and the Citizen's Management Committee

Background: Cheney Reservoir is a major water supply source for Wichita, currently providing approximately 60 percent of the City's water. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed above the reservoir that would improve water quality and extend the life of the reservoir.

Analysis: Cheney Reservoir has two significant pollution problems: sedimentation and phosphates. Sediment washes into the reservoir from soil erosion displacing stored water, and is a major factor in determining the useful life of the reservoir. High phosphate levels can lead to an increase in microscopic plant activity in a lake, which increases taste and odor problems.

A management plan has been approved for the watershed that identifies Best Management Practices (BMP) that will help reduce the pollution entering the reservoir. The Reno County Conservation District and the Citizens' Management Committee are responsible for implementing the recommendations in the plan. The proposed Working Agreement promotes the use of BMP and establishes procedures for payments to producers who implement these practices. It addresses funding the construction of various demonstration projects, including terraces, grassed waterways, range and pasture seeding, riparian filter strips and concrete drainage structures.

There are incentives to use alternate management techniques (nutrient management, conservation tillage, crop rotation, brush control, and planned grazing systems) and incentives to convert land coming out of the Conservation Reserve Program to rangeland by installing water systems, fencing and filter strips. This Agreement also includes an incentive program for small community wastewater treatment plants to make voluntary improvements that improve the quality of their discharge.

Financial Considerations: All of the practices are voluntary, and allocated funds may not be fully utilized in the fiscal year. Most of the practices that this Working Agreement is promoting are also eligible for funding from an EPA 319 Grant that provides up to 60 percent of the cost of a BMP project. The City will match the 40 percent that is not covered by federal funds.

Other entities offering cost-share programs include the Kansas Alliance for Wetlands and Streams, the Kansas Water Office and the Kansas Rural Center. These entities have programs that offer 60-70 percent funding for BMP projects; however, the installation of fences around sites that were previously enrolled in the Conservation Reserve Program is not currently eligible for funding from any other programs. The fencing projects will be eligible for 50 percent funding from the City of Wichita, with the remaining 50 percent being paid by the landowner. The incentive payment for small municipalities is limited to a one-time payment of \$2,500 per community to match other funding sources.

CIP W-500, Cheney Watershed Protection Plan, has allocated \$200,000 in 2006 for this effort. The maximum amount that the City could spend in FY 2006 for the City's share of the costs for all of the practices in this Working Agreement would not exceed \$75,600.

Legal Considerations: The Working Agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Working Agreement with the Reno County Conservation District and Citizen's Management Committee, and authorize the necessary signatures.

Agenda Item No. 10c.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0912

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Staking in Shadow Woods Addition (west of 135th Street West, north of Maple) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The City Council approved the storm water drainage improvements in Shadow Woods Addition on July 20, 2004. On July 12, 2005 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

Analysis: The proposed Supplemental Agreement between the City and Baughman provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$8,110 and will be paid by special assessments.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED JULY 12, 2005

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

BAUGHMAN COMPANY, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated July 12, 2005) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in SHADOW WOODS (west of 135th Street West, north of Maple).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

STAKING AND AS-BUILT

(as per the City of Wichita Standard Construction Engineering Practices)

STORM WATER DRAIN NO. 201 serving Lots 1 through 23, Block A; Lots 31 through 47, Block A; Lots 1 through 12, Block E; Lot 1, Block F, Shadow Woods Addition (west of 135th Street West, north of Maple) (Project No. 468 83598, OCA No. 751400)

As-built of all areas included in the project mass grading plan will be the responsibility of the ENGINEER and shall be submitted and sealed by a licensed land surveyor or registered

professional engineer. Final elevations for all areas to be graded per plans, provisions or otherwise, including street right-of-way, lots, easements, ponds and reserve areas, shall be within +/- 0.2' of plan call-outs, unless otherwise stated in plans or provisions. ENGINEER will be responsible to coordinate any rework with the contractor, regardless of the number of times necessary to achieve allowable tolerance, and will ensure that a minimum slope is maintained in all drainage easements, especially in such cases where the +/- tolerance could result in a less than desirable percent of grade. Two copies of the project specific mass grading and pond construction plan sheets will be submitted to the project engineer as soon as possible after completion of final grading, will show original plan and final as-built elevations at all original call-out locations.

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

Project No. 468 83598 \$8,110.00

C. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2005.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

(Name & Title)

ATTEST:

Agenda Item No. 10d.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0913

TO: Mayor and City Council Members

SUBJECT: Supplemental Agreement for Staking in Krug North, Krug North 2nd and Hawthorne 3rd Additions (north of 21st, west of 143rd Street East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Supplemental Agreement.

Background: The City Council approved the storm water drainage improvements in Krug North, Krug North 2nd and Hawthorne 3rd Additions on April 13, 2004. On September 13, 2005 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

Analysis: The proposed Supplemental Agreement between the City and Baughman provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$12,850 and will be paid by special assessments.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED SEPTEMBER 13, 2005

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

BAUGHMAN COMPANY, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated September 13, 2005) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in KRUG NORTH, KRUG NORTH 2ND AND HAWTHORNE 3RD ADDITIONS (north of 21st, west of 143rd Street East).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

STAKING AND AS-BUILT

(as per the City of Wichita Standard Construction Engineering Practices)

STORM WATER DRAIN NO. 228 serving Lots 1 through 28, Block A; Lots 34 through 37, Block A; Lots 1 through 7, Block C; Lots 14 through 25, Block C; Lots 28 through 48, Block C; Lots 1 through 18, Block D; Lots 1 through 20, Block E, Krug North 2nd Addition (north of 21st, west of 143rd Street East) (Project No. 468 83793).

As-built of all areas included in the project mass grading plan will be the responsibility of the ENGINEER and shall be submitted and sealed by a licensed land surveyor or registered professional engineer. Final elevations for all areas to be graded per plans, provisions or otherwise, including street right-of-way, lots, easements, ponds and reserve areas, shall be within +/- 0.2' of plan call-outs, unless otherwise stated in plans or provisions. ENGINEER will be responsible to coordinate any rework with the contractor, regardless of the number of times necessary to achieve allowable tolerance, and will ensure that a minimum slope is maintained in all drainage easements, especially in such cases where the +/- tolerance could result in a less than desirable percent of grade. Two copies of the project specific mass grading and pond construction plan sheets will be submitted to the project engineer as soon as possible after completion of final grading, will show original plan and final as-built elevations at all original call-out locations.

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

Project No. 468 83793 \$12,850.00

C. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2005.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

(Name & Title)

ATTEST:

Agenda Item No. 10e.

City of Wichita
City Council Meeting
October 18, 2005
Agenda Report No. 05-0914

TO: Mayor and City Council Members

SUBJECT: Project Access Contract Renewal

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve contract renewal and authorize necessary signatures.

Background: Since 1999, the City in partnership with the Sedgwick County Medical Society, United Way, and the County, has participated in Project Access, which is a program that provides medical services for the uninsured. This innovative program involves a community partnership that links physicians, social service agencies, hospitals, clinics, and area pharmacies to address the needs of uninsured low-income residents. The current contract between the City and the Central Plains Regional Health Care Foundation, Inc. (the non-profit organization responsible for Project Access) is to provide funds for prescription services. This contract expired on August 31, 2005 but has two available options to renew for successive one-year periods. A recommendation to renew the contract for a one-year period that runs through August 31, 2006 is being brought before the City Council.

Analysis: The City, Sedgwick County, and United Way have supported Project Access, and have financially participated in the program since it became operative. Project Access is a vital part of a network that serves uninsured Sedgwick County individuals, which are estimated to constitute a local uninsured base of 55,000 persons, representing approximately 13 percent of the area population. Each year of operation there has been an increasing demand for Project Access services. From September 1999 through August 2005, 6,147 individuals were enrolled into the program and have received donated medical care and services.

This program has been a model of public and private sector collaboration. The City and County program contributions, which provide for prescription services, are matched by participation of the local medical community. Prescriptions purchased from the program's inception through August 2005 total \$2,468,382 with 114,274 prescription claims filed. Currently 547 physicians and eight local hospitals are committed to donate services through Project Access. The value of this contributed care through August 2005 is \$12,749,861 in total donated physician services and \$30,860,758 in total donated hospital services, not including additional labs, ambulatory surgery centers, and other ancillary services. Other participating providers include 78 pharmacies that fill prescriptions at 15% below average wholesale price and do not receive payment for filling these prescriptions. Also, 78 pharmaceutical companies have donated \$1,036,488 in prescription medicines. Measures of the program's success include high satisfaction ratings for patients and participating physicians, the development of collaborative partnerships, successful replication of the program in other locales, and the number of persons receiving needed medical services.

Financial Considerations: The contract renewal total is \$300,000, the same amount provided for the 2004/05 contract period. The City will use federal Community Services Block Grant (CSBG) funds, received to serve low-income persons, to pay the contract costs. The contract renewal will not obligate general fund monies.

Legal Considerations: The Department of Law has approved the contract renewal as to form.

Recommendation/Action: Approve renewal of the Project Access Contract and authorize the necessary signatures.

Agenda Item No. 11a.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0916

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Northridge Plaza Addition (north of 37th Street North, west of Ridge) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water distribution system and sanitary sewer improvements in Northridge Plaza Addition on May 21, 2002.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water and sanitary sewer in Northridge Plaza Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$29,400, and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

BAUGHMAN COMPANY, P.A.

for

NORTHRIDGE PLAZA ADDITION

THIS AGREEMENT, made this _____ day of _____, 2005, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and BAUGHMAN COMPANY, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

WATER DISTRIBUTION SYSTEM NO. 448 89696 serving Lots 1 through 11, Block A, Northridge Plaza Addition (north of 37th Street North, west of Ridge) (Project No. 448 89696).

LATERAL 5, MAIN 19, SOUTHWEST INTERCEPTOR SEWER serving Lots 1 through 11, Block A, Northridge Addition (north of 37th Street North, west of Ridge) (Project No. 468 83451).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in Northridge Plaza Addition and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).

B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.

C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.

D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of

ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.

E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.

F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.

G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.

H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.

I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.

J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$5,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory
Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be

given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

III. THE CITY AGREES:

A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.

B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.

C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.

D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.

E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.

F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

IV. PAYMENT PROVISIONS

A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 448 89696	\$13,000.00
Project No. 468 83451	\$16,400.00
TOTAL	\$29,400.00

B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:

1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.

2. Additional design services not covered by the scope of this agreement.

3. Construction staking, material testing, inspection and administration related to the PROJECT.

4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for

performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work, or because the services of the ENGINEER are unsatisfactory; PROVIDED, however, that in any case the ENGINEER shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this agreement, but in no case shall payment be more than the ENGINEER'S actual costs plus a fee for profit based upon a fixed percentage of the ENGINEER'S actual costs.
- B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.
- C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.
- E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.
- F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.
- G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.
- H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, Mayor

SEAL:

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

(Name & Title)

ATTEST:

“EXHIBIT “A

SCOPE OF SERVICES

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared in ink on standard 22” x 36” mylar sheets.

In connection with the services to be provided, the ENGINEER shall:

A. PHASE I - PLAN DEVELOPMENT

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. Field Surveys. Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.
2. Soils and Foundation Investigations. The CITY’S Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall

be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER'S contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.

3. Review Preliminary Design Concepts. Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.

4. Prepare engineering plans, plan quantities and supplemental specifications as required. Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT's plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 78, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be provided to the CITY via floppy diskettes (3 1/2"), CD-ROM, or other media acceptable to the City Engineer. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.

5. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the monumentation of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.

6. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if approved by the City Engineer, identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.

7. Deliver the original tracings of the Final approved plans to the CITY for their use in printing plans for prospective bidders.

8. All applicable coordinate control points and related project staking information shall be furnished on a 3-1/2" diskette in a format agreed upon by the CITY. When applicable, this coordinate information will be used by the CITY for construction staking purposes.

9. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.

a. Plan Development for the water improvements by November 7, 2005.
(Project No. 448 89696).

b. Plan Development for the sewer improvements by November 7, 2005.
(Project No. 468 83451).

Agenda Item No. 11b.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0917

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water distribution system, sanitary sewer and paving improvements in Tyler's Landing 3rd Addition on August 16, 2005.

Analysis: The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water, sanitary sewer and paving in Tyler's Landing 3rd Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to Baughman will be on a lump sum basis of \$77,000, and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

BAUGHMAN COMPANY, P.A.

for

TYLER'S LANDING 3RD ADDITION

THIS AGREEMENT, made this _____ day of _____, 2005, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and BAUGHMAN COMPANY, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

WATER DISTRIBUTION SYSTEM NO. 448 90103 serving Lots 14 through 60, Block A; Lots 15 through 44, Block D, Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler) (Project No. 448 90103).

LATERAL 24, MAIN 19, SOUTHWEST INTERCEPTOR SEWER serving Lots 12 through 60, Block A; Lots 9 through 44, Block D, Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler) (Project No. 468 84063).

CONREY from the west line of Lot 14, Block A, east to the east line of Forest Ridge; FOREST RIDGE from the north line of Conrey, south and east to the east line of Lake Ridge; LAKE RIDGE from the south line of Forest Ridge, south to the south line of the plat; LAKE RIDGE COURT from the east line of Lake Ridge, east to and including the cul-de-sac; FOREST RIDGE COURT (Lots 20 through 29, Block A), from the east line of Forest Ridge, east to and including the cul-de-sac; FOREST RIDGE COURT (Lots 30 through 45, Block A), from the east line of Forest Ridge, east to and including the cul-de-sac; CONREY COURT from the south line of Conrey, south to and including the cul-de-sac and that sidewalk be constructed on Conrey, Forest Ridge and Lake Ridge (south of 37th Street North, east of Tyler) (Project No. 472 84262).

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing improvements in Tyler's Landing 3rd Addition and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).

B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.

C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.

D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.

E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.

F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.

G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.

H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.

I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.

J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$5,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory
Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

III. THE CITY AGREES:

A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.

B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.

C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.

D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.

E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.

F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

IV. PAYMENT PROVISIONS

A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 448 90103	\$10,400.00
Project No. 468 84063	\$26,800.00

Project No. 472 84262	\$39,800.00
TOTAL	\$77,000.00

B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:

1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
2. Additional design services not covered by the scope of this agreement.
3. Construction staking, material testing, inspection and administration related to the PROJECT.
4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

V. THE PARTIES HERETO MUTUALLY AGREE:

A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work, or because the services of the ENGINEER are unsatisfactory; PROVIDED, however, that in any case the ENGINEER shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this agreement, but in no case shall payment be more than the ENGINEER'S actual costs plus a fee for profit based upon a fixed percentage of the ENGINEER'S actual costs.

B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.

C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.

D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.

E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.

F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.

G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.

H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, Mayor

SEAL:

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

ATTEST:

(Name & Title)

“EXHIBIT “A

SCOPE OF SERVICES

The ENGINEER shall furnish engineering services as required for the development of plans, supplemental specifications and estimates of the quantities of work for the PROJECT in the format and detail required by the City Engineer for the City of Wichita. Engineering plans shall be prepared in ink on standard 22” x 36” mylar sheets.

In connection with the services to be provided, the ENGINEER shall:

A. PHASE I - PLAN DEVELOPMENT

When authorized by the CITY, proceed with development of Plans for the PROJECT based on the preliminary design concepts approved by the CITY.

1. Field Surveys. Provide engineering and technical personnel and equipment to obtain survey data as required for the engineering design. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.
2. Soils and Foundation Investigations. The CITY'S Engineering Division of the Department of Public Works shall provide subsurface borings and soils investigations for the PROJECT. However, the CITY may authorize the ENGINEER to direct an approved Testing Laboratory to perform subsurface borings and soils investigations for the PROJECT, which shall be reported in the format and detail required by the City Engineer for the City of Wichita. The Testing Laboratory shall be responsible for the accuracy and competence of their work. The ENGINEER'S contract with the Testing Laboratory shall provide that the Testing Laboratory is responsible to the City for the accuracy and competence of their work. The cost of soils and boring investigations shall be passed directly to the City of Wichita.
3. Review Preliminary Design Concepts. Submit preliminary design concepts for review with the City Engineer or his designated representative prior to progressing to detail aspects of the work unless waived by the City Engineer.
4. Prepare engineering plans, plan quantities and supplemental specifications as required. Engineering plans will include incidental drainage where required and permanent traffic signing. The PROJECT's plans and proposed special provisions shall address the requirements included in the City's Administrative Regulations 78, "Cleanup, Restoration or Replacement Following Construction." Also, final plans, field notes and other pertinent project mapping records are to be provided to the CITY via floppy diskettes (3 1/2"), CD-ROM, or other media acceptable to the City Engineer. The files are to be AutoCAD drawing files or DXF/DXB files. Layering, text fonts, etc. are to be reviewed and approved during the preliminary concept development phase of the design work. Text fonts other than standard AutoCAD files are to be included with drawing files. In addition to supplying the electronic files of the AutoCAD drawing files of the final plans, ENGINEER will also need to supply electronic files of the drawings in PDF format.
5. Prepare right-of-way tract maps and descriptions as required in clearly drawn detail and with sufficient reference to certificate of title descriptions. ENGINEER will perform all necessary survey work associated with marking the additional right-of-way easements. This shall include the monumentation of new corners for any additional right-of-way and a one time marking of the right-of-way for utility relocations.
6. Identify all potential utility conflicts and provide prints of preliminary plans showing the problem locations to each utility. ENGINEER shall meet with utility company representatives to review plans and coordinate resolution of utility conflicts prior to PROJECT letting or, if approved by the City Engineer, identify on plans conflicts to be resolved during construction. Provide to CITY utility status report identifying utility conflicts with dates by which the conflicts will be eliminated with signed utility agreements from each involved utility company. ENGINEER shall meet with involved utility company/ies and project contractor to resolve any conflicts with utilities that occur during construction that were not identified and coordinated during design.

7. Deliver the original tracings of the Final approved plans to the CITY for their use in printing plans for prospective bidders.
8. All applicable coordinate control points and related project staking information shall be furnished on a 3-1/2" diskette in a format agreed upon by the CITY. When applicable, this coordinate information will be used by the CITY for construction staking purposes.
9. Complete and deliver field notes, plan tracings, specifications and estimates to the CITY within the time allotted for the PROJECTS as stipulated below.
 - a. Plan Development for the water improvements by October 24, 2005.
(Project No. 448 90103).
 - b. Plan Development for the sewer improvements by October 24, 2005.
(Project No. 468 84063).
 - c. Plan Development for the paving improvements by November 28, 2005.
(Project No. 472 84262).

Agenda Item No. 12a.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0918

TO: Mayor and City Council Members

SUBJECT: Change Order: Water Supply Line along 135th St. West, between 21st and 29th
(District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On June 14, 2005, the City Council approved a construction contract with Dondlinger and Sons, Inc. to build a water supply line along 135th St. West, between 21st and 29th Street North. It has since been determined that, due to the pipe size and pressure in the line, a pipe joint restraint system is needed to prevent future pipeline blowouts.

Analysis: A Change Order has been prepared for the additional work. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$16,753 with the total paid by the Water Utility. The original contract amount is \$1,318,959. This Change Order plus previous Change Orders represents 2.26% of the original contract amount.

Legal Considerations: The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

October 26, 2004

PUBLIC WORKS-ENGINEERING CHANGE ORDER

To: Dondlinger & Sons Project: Water Main Replacement – Harry, Oliver to Woodlawn
Change Order No.: 3 Project No.: 448-89700
Purchase Order No.: 301361 OCA No.: 636116
CHARGE TO OCA No.: 636116 PPN: 772513

Please perform the following extra work at a cost not to exceed \$11,950.00

There were originally 60 services estimated to be in need of repair, and 29 more are needed.

OVERRUN:

Long Water Service (1") – 4 ea @ \$550.00/ea = \$ 2,200.00

Short Water Service (1") – 25 ea @ \$450.00/ea = \$11,250.00

UNDERRUN:

Long Water Service (2") – 1 ea @ \$1,500.00/ea = (\$ 1,500.00)

Total \$11,950.00

Recommended By: Approved:

Lawrence Schaller, P.E.
Construction Engineer

Date Jim Armour, P.E.
Acting City Engineer

Date

Approved: Approved:

Contractor Date Chris Carrier, P.E. Date
Acting Director of Public Works

Approved as to Form: By Order of the City Council:

Gary Rebenstorf
Director of Law

Date _____
Mayor

Carlos Mayans

Date _____

Attest: _____
City Clerk

Agenda Item No. 12b.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0919

TO: Mayor and City Council Members

SUBJECT: Interactive Water Features at Fairmount and Osage Parks
(Districts I & IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Change Order.

Background: On December 16, 2003, the City Council approved the installation of Interactive Water Features at Fairmount and Osage Parks.

On July 20, 2004 City Council approved the design-build team of Key Construction and Spangenburg Phillips for the project.

Analysis: Throughout the design process special attention was given to get the most out of the water features in the park both in quality and size. The project budget of \$400,000 for each park, \$800,000 total, was allotted for water features and construction of the parks. It was determined late in the design phase that the cost of the water features proposed for the project was going to be more than anticipated in the original project design.

Rather than take away from the water feature's size and number of play features, Park and Recreation recommended the use of funds from remaining 2004 CIP funds approved for Park improvement to pay for the extra expense of the amenities at each park. This solution allowed the City of Wichita to keep the fun value of the park at a high level, as well as provide the shade structures, benches and trash receptacles.

The Change Order includes the construction of three (3) shade structures, thirteen (13) benches and four (4) trash receptacles at \$35,000, or 4.4% of the original contract.

Financial Considerations: Funding for the Change Order is from the 2004 Park Improvement CIP (OCA #785042).

Legal Considerations: The Law Department has approved the Change Order as to form.

Recommendation/Action: It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

October 14, 2005
PUBLIC WORKS-BUILDINGS DIVISION CHANGE ORDER

To: Key Construction Project: Water Park Fountains Osage
741 W 2nd & Fairmount Parks
Wichita, KS 67203

Change Order No.: One (1) Project No.: N/A
Purchase Order No.: 401120 OCA No.: 785040
CHARGE TO OCA No.: 785042 PPN: 435376

Please perform the following extra work at a cost not to exceed \$35,000.00
Provide labor, materials and equipment to construct three (3) shade structures on the above project per drawings and proposal dated 5/2/05, option #7. Provide labor, materials, and equipment to provide and install 13 metal benches and 3 waste receptacles per City of Wichita specifications.

Recommended By:

Jeff Myers
Construction Superintendent

Date

Approved:

Ed Martin
Building Services Director

Date

Agreed/Approved:

Larry Foos

Date

Approved:

Chris Carrier, P.E.

Date

Park and Recreation Superintendent

Director of Public Works

Agreed/Approved: Approved:

Chris Beasley Date
Key Construction

Carlos Mayans
Mayor

Date

Approved As To Form:

Attest:

Gary Rebenstorf
Director of Law

Date Karen Sublett
City Clerk

Agenda Item No. 13a.

CITY OF WICHITA
City Council Meeting
October 18, 2005

Agenda Report No. 05-0920

TO: Mayor and City Council Members

SUBJECT: Acquisition of Land in the 1400 Block of North Broadway along the Abandoned Union Pacific Rail Corridor for the Midtown Greenway (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

-

Recommendation: Approve the acquisition.

Background: In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Avenue and Wichita Street to 15th Street and Broadway. With this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The City has reviewed the former corridor and decided that it could be developed as a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th Street.

Analysis: At 15th and North Broadway, one owner has two commercial zoned parcels. While neither is buildable as is, both become developable with the inclusion of the adjacent corridor. The first parcel is at the southwest corner of 15th Street and Broadway. With the inclusion of the rail corridor, it has about 8,565 square feet. The second parcel is an interior parcel that has access to Broadway via the inclusion of the rail corridor. This parcel, with the rail corridor, has about 19,700 square feet. Commercial land of developable size and clear title in this area has a market value of \$1.50-to-\$3.00 per square foot. Due to the odd shape of the parcels and the difficulty in perfecting title to the rail corridor, the owner has agreed to sell the parcels and interest in the adjacent corridor for \$30,000 or \$1.05 per square foot.

Financial Considerations: A budget of \$30,700 is requested for the acquisition. This includes \$30,000 for the acquisition and \$700 for closing costs and title insurance. The funding source is previously approved CDBG funds.

Legal Considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council 1) Approve the budget, 2) Approve the real estate purchase contract and 3) Authorize necessary signatures.

Agenda Item No. 13b.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0921

TO: Mayor and City Council Members

SUBJECT: Acquisition of Sanitary Sewer Easements for Main 6, Cowskin Interceptor
Sewer (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: The City Council adopted a Resolution on May 18, 2004 declaring it necessary to provide main sanitary sewer to a developing residential corridor roughly bounded by Kellogg, 119th Street West, Pawnee and 135th Street West. Fulfillment of this Resolution requires easements on tracts located north of Kellogg and approximately one-half mile west of 119 th

Street. Three of the five easements required for the project have been obtained; an agreement for the remaining two easements has been reached with the property owner.

Analysis: A negotiated settlement of \$5,000 has been accepted by the property owner in exchange for sanitary sewer easements totaling 19,640 square feet.

Financial Considerations: A budget of \$5,000 is requested. The funding source will be the Main 6, Cowskin Interceptor Sewer Project.

Legal Considerations: The Law Department has approved the Sanitary Sewer easements as to form.

Recommendation/Action: It is recommended that the City Council approve the budget and the easements; authorize all necessary signatures.

Agenda Item # 14

City of Wichita
City Council Meeting

October 18, 2005

Agenda Report # 05-0922

TO: Mayor and City Council Members

SUBJECT: Repair or Removal of Dangerous & Unsafe Structures
Council Districts I and III

INITIATED BY: Office of Central Inspection

AGENDA: Consent

-

Recommendations: Adopt the resolutions.

Background: On October 3, 2005 the Board of Code Standards and Appeals (BCSA) held a hearing on the following four (4) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Analysis: Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

Property Address	Council District
a. 1227 North Poplar	I
b. 1823 South Waco	III
c. 417 West Funston	III
d. 1802 South Broadway	III

Legal Considerations: These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Recommendations/Actions: Adopt the attached resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on December 13, 2005 at 9:30 a.m. or as soon thereafter.

OCA: 230200

_____PUBLISHED IN THE WICHITA EAGLE ON _____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: THE EAST HALF OF LOTS 1 AND 2, SUPPLEMENTAL PLAT OF ROSENTHAL'S 5TH ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS KNOWN AS 417 W. FUNSTON MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 18th day of October, 2005, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.

That a hearing will be held on the 13th day of December, 2005, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described as the East half of Lots 1 and 2, Supplemental Plat of Rosenthal's 5th Addition to the City of Wichita, Sedgwick County, Kansas, known as: 417 W. Funston, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 25 x 30 feet in size. Vacant, this structure has rotted and missing siding; broken and missing siding shingles; badly deteriorated roof with

missing shingles and exposed decking; badly deteriorated front wood porch; rotted and missing wood trim; and the 8 x 8 foot accessory shed is deteriorated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 18th day of October, 2005.

Carlos Mayans, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

OCA: 230200

PUBLISHED IN THE WICHITA EAGLE ON _____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOTS 118 AND 120, ON WACO AVENUE, ENGLISH'S 8TH ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS KNOWN AS 1823 S. WACO MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 18th day of October, 2005, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita. That a hearing will be held on the 13th day of December, 2005, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lots 118 and 120, on Waco Avenue, English's 8th Addition to the City of Wichita, Sedgwick County, Kansas, known as: 1823 S. Waco, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one-story frame dwelling about 26 x 40 feet in size. Vacant and open, this structure has a deteriorated concrete foundation with 12 foot section missing; broken and missing siding

shingles; deteriorated roof; deteriorated wood front porch; and the 21 x 26 foot accessory garage is deteriorated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 18th day of October, 2005.

Carlos Mayans, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

OCA: 230200

PUBLISHED IN THE WICHITA EAGLE ON _____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOTS 2 AND 4, ON LAWRENCE AVENUE, SOUTH LAWRENCE AVENUE ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS KNOWN AS 1802 S. BROADWAY MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 18th day of October, 2005, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita. That a hearing will be held on the 13th day of December, 2005, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lots 2 and 4, on Lawrence Avenue, South Lawrence Avenue Addition to the City of Wichita, Sedgwick County, Kansas, known as: 1802 S. Broadway, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is a one and one-half story frame dwelling about 51 x 81 feet in size. Vacant and open, this structure has been badly damaged by fire. It has rotted and fire-damaged wood siding;

exposed framing members; deteriorated wood front porch; deteriorated roof; fire-damaged wood trim; and the 10 x 12 foot accessory shed is deteriorated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 18th day of October, 2005.

Carlos Mayans, Mayor

(SEAL)

ATTEST:_____
Karen Sublett, City Clerk

PUBLISHED IN THE WICHITA EAGLE ON_____
RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AT WHICH THE OWNER, HIS AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF PROPERTY LEGALLY DESCRIBED AS: LOTS 73 AND 75, ON MONA, NOW POPLAR STREET, FAIRMOUNT PARK ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS KNOWN AS 1227 N POPLAR MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS A DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 18th day of October, 2005, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

NOW THEREFORE, be it Resolved by the Governing Body of the City of Wichita.
That a hearing will be held on the 13th day of December, 2005, before the governing body of the city at 9:30 A.M., or thereafter in the council room, City Building at which time the owner, his agent, any lienholders of record or any occupant of property, legally described at Lots 73 and 75, on Mona, now Poplar Street, Fairmount Park Addition to Wichita, Sedgwick County, Kansas, known as: 1227 N Poplar, may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure ordered repaired or demolished. The structure is A one-story frame dwelling about 30 x 45 feet in size. Vacant and open, this structure has deteriorated, rotted and missing wood siding; exposed wall sheathing; badly deteriorated roof with missing shingles and exposed decking; missing wood trim; and the 9 x 10 foot accessory shed is dilapidated.

Be it further resolved that the City Clerk shall cause this Resolution to be published and shall give notice of the aforesaid hearing in the manner provided by K.S.A. 12-1752.

Adopted this 18th day of October, 2005.

Carlos Mayans, Mayor

(SEAL)

ATTEST: _____
Karen Sublett, City Clerk

Agenda Item # 15

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report # 05-0923

TO: Mayor and City Council

SUBJECT: Resolution Authorizing Section 3037 Access to Jobs Grant from
Federal Transportation Administration (FTA)

INITIATED BY: Wichita Transit

AGENDA: Consent Agenda

Recommendation: Approve Resolution authorizing filing of grant application.

Background: The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize staff to file for eligible federal funds for the support of the City's Access to Jobs transit services for 2005-2006 and transit operation. The authorized total federal apportionment for FY 2005 is \$396,473. A public hearing was held on September 29, 2005, and there was no opposition to the grant. Section 3037 is a 50% federal 50% local match program.

Analysis: The proposed Resolution authorizes funding to support the purchase of rides for low-income clients under a brokerage system, utilizing other transportation providers within Wichita. We provide service for clients of Social and Rehabilitation Services, and non-profit organizations including Starkey, KETCH, Envision, Res-Care, Breakthrough Club, the Mental Health Association and Cerebral Palsy Research Foundation.

Financial Considerations: The total budget for the grant is \$792,946 where 50% federal share is \$396,473 and local City match is \$90,709 all in-kind service; while numerous agencies, and non-profits, make-up the remaining \$305,764 local match. Services will only be provided to the extent that a local match has been negotiated.

Legal Consideration: The City's Law Department has reviewed and approved the Resolution as to form.

Recommendations/Actions: It is recommended that the City Council approve the Resolution and authorize the necessary signatures.

RESOLUTION No. _____

A RESOLUTION AUTHORIZING
THE FILING OF AN APPLICATION
WITH THE DEPARTMENT OF TRANSPORTATION,
UNITED STATE OF AMERICA,
FOR A GRANT UNDER
SECTION 3037 OF THE TRANSPORTATION EQUITY ACT
FOR THE 21ST CENTURY (TEA-21)
TO SUPPORT LOCAL 2005/2006 JOB ACCESS
AND REVERSE COMMUTE PROGRAM

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project cost in the program; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, as amended, and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized

to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, the applicant desires financial assistance for the following projects: provide transportation services in urban, suburban and rural areas to assist welfare recipients and low income individuals access to employment opportunities; thereby creating a better cooperative effort among the transportation providers, human services agencies, employers and affected communities and individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The City Manager is authorized to execute and file an application on behalf of the City of Wichita, Kansas, with the United States Department of Transportation, to aid in the financing of the local 2005/2006 Job Access and Reverse Commute Program (it is anticipated that these funds will support the program through 2006 at the current usage level) including: to implement new transportation services, or extend existing services, to fill the gaps that exist in many areas between where welfare recipients and low income persons live and employment opportunities; and, to transport the general public from urban, suburban, and rural areas to suburban employment opportunities.

SECTION 2. The City Manager is authorized to execute and file with such application an assurance or any other document required by the United States Department of Transportation effectuating the purposes of Title VI of the Civil rights Act of 1964; and Americans with Disabilities Act of 1991, 49 C.F.R. Parts 27, 38 and 39.

SECTION 3. The City Manager is authorized to furnish such additional information as the United States Department of Transportation may require in connection with the application for the program of project and budget.

SECTION 4 The City Manager is authorized to set forth and execute affirmative disadvantaged business policies in connection with the program of projects and budget procurement needs.

SECTION 5. The City Manager is authorized to execute grant agreements, file grant revisions and amendments necessary to administer the Program of Project on behalf of the City of Wichita with the United States Department of Transportation for aid in the financing of this Section 3037 Project.

SECTION 6. This Resolution shall take effect and be in force from and after its adoption.

ADOPTED, at Wichita, Kansas this _____.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law

Agenda Item No. 16

CITY OF WICHITA
City Council Meeting
October 18 , 2005

Agenda Report No. 05-0924

TO: Mayor and City Council Members

SUBJECT: Park Pathways and Sidewalks (District VI)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Approve the bonding resolution and authorize initiation of the project.

Background: In 1999, a master plan for Schell Park was developed by the Park and Recreation Department to fulfill the needs of neighborhood issues. The department later developed a youth soccer field, drainage system, picnic tables and tree plantings which were part of that master plan. Park staff now wishes to complete the development of the strolling path which was approved by the Neighborhood Association. The Park and Recreation Department is responsible for ensuring that the City's park pathways and sidewalks comply with ADA requirements, meet the requirements of awarded matching grants, and provide for the safety of park users.

Analysis: The 2006 Park Capital Improvement Program (CIP) includes \$40,000 for the construction and repair of paths and sidewalks in City parks. Funding will provide for a paved, six-foot-wide concrete pathway approximately 2,055 feet long, as shown on the Schell Park master plan.

Financial Considerations: The 2006 Park CIP includes \$40,000 for the construction and repair of pathways and sidewalks in City parks. The funding source is general obligation bonds.

Legal Considerations: The Law Department has approved the bonding resolution as to form.

Recommendation/Action: It is recommended that the City Council 1) approve the bonding resolution, 2) authorize initiation of the project, and 3) authorize all necessary signatures.

Agenda Item # 17

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0925

TO: Mayor and City Council

SUBJECT: FY2005 Weed and Seed Program. (District I)

INITIATED BY: Police Department

AGENDA: Consent

Recommendation: Approve the receipt of funds.

Background: The Weed and Seed Program is a federally-funded grant program that brings together Federal, state, and local law enforcement agencies; social service providers; representatives of the public and private sectors; prosecutors; business owners; and neighborhood residents to "weed" out violent crime and gang activity, while "seeding" the community with social services and economic revitalization. The Weed and Seed Program is administered in "officially recognized" sites. Since 1995, the officially recognized site has the following boundaries: Central on the South, Old Manor from 17th to Central and Hillside from 17th to 27th Street on the East, Mosley on the West, and 27th Street on the North.

Analysis: For federal fiscal year 2005, funding for the "weeding" component of the Weed and Seed Program is provided through federal funds granted to the Wichita Family Services Institute, Inc. for law enforcement activities. The Wichita Police Department will receive \$68,078 from the 2005 Weed and Seed Program for expenses, including overtime, training, equipment, vehicle rental, and buy money.

Financial Considerations: The Wichita Police Department will receive a payment of \$68,078 from the Wichita Family Services Institute, Inc. for expenses related to overtime, training, equipment, vehicle rental, and buy money. No local match is required.

Legal Considerations: The Law Department will review and approve the contract as to form.

Recommendations/Actions: It is recommended that the City Council approve the receipt of funds and authorize the appropriate signatures.

Agenda Item No. 18

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0926

TO: Mayor and City Council

SUBJECT: 2006 Health Insurance Program

INITIATED BY: Department of Finance

AGENDA: Consent

Recommendation: Approve the 2006 health insurance plan.

Background: The City uses a Health Insurance Advisory Committee (HIAC) to monitor health insurance programs for employees, and recommend new/renewal programs or changes in health coverage and cost, as required. The Committee includes representatives from the Fraternal Order of Police, International Association of Firefighters, Service Employees International, Teamsters unions, as well as the (non-union) Employees Council and Management staff.

The City Council directed staff to receive competitive bids for the City of Wichita's 2005/2006 health insurance plan. On October 12, 2004, the City Council accepted the recommendation of the Health Insurance Advisory Committee to approve Coventry Health Care of Kansas, Inc. as the medical and prescription provider for 2005 and 2006.

Analysis: The Health Insurance Advisory Committee reviewed the recommendations on September 30, 2004. Coventry Health Care was selected as the preferred vendor as being most responsive to the Request For Proposal. Coventry was the low responder for the 2005 fully insured medical plan and insured prescription drug plan, with a total estimated aggregate cost for both medical and prescription of \$20,851,766 (exclusive of any plan changes). This was approximately -3.3% less than the 2004 medical and prescription drug plan. Coventry Health Care also provided a 2006 rate cap guarantee of not more than 10.9% which also was approved.

Coventry Health Care has provided the City with data for the 2006 premium. The 2006 renewal indicates the City's experience yields a 16.9% increase in health care premiums for 2006. Because the City has approved the rate cap guarantee of not more than a 10.9% increase for 2006, Coventry is required to offer the 2006 renewal at not more than 10.9%.

The City's health and benefits consultant, Hilb, Rogal and Hobbs, reviewed the 2006 data and believe the 10.9% increase is justified. The Health Insurance Advisory Committee reviewed the 2006 renewal on October 3, 2005. They recommend acceptance of the 10.9% rate cap guarantee for 2006.

The Health Insurance Advisory Committee and the City Council previously agreed to the following changes for 2006: a prescription drug lifetime cap of \$500,000; an increase in ambulatory surgery co-pay from \$150 in 2005 to \$200 in 2006; and to cover full-time students to age 23 and non-students to age 19. The City will have to amend the dental and vision plans to match the medical/prescription drug plan full-time student eligibility standard so that all City plans have the same student eligibility standards.

Financial Considerations: The renewal quote to purchase medical, prescription and vision coverage would require total monthly premiums of \$306.41/single and \$916.16/family. The City Council approved the 2006-08 proposal with Vision Services Program (VSP) on September 20, 2005.

City Council approval of the recommended plan, maintaining an 80%/20% premium split, would result in a 10.4% net premium increase (including vision) for both the City and employees. The table below summarizes monthly premiums for the proposed action on 2006 health insurance (medical, prescription and vision):

	2005 Insurance Premiums				2006 Insurance Premiums	
	City Share		Employee Share		City Share	Employee Share
	80%	20%	80%	20%		
Single	\$222.07		\$55.50		\$245.13	\$61.28
Family	\$663.62		\$165.90		\$732.92	\$183.24

Premium costs over the two-year life (2005 and 2006) of the Coventry Health Care and vision contract will be as follows:

COMPARISON OF TOTAL PREMIUM RATES 2004-2006

Family Size	2004PHS	2005Coventry	2006Coventry	Percent Change From 2004
Single	\$306.12	\$277.57	\$306.41	.001%
Family	\$855.81	\$829.52	\$916.16	7%

A financial summary of Coventry Health Care of Kansas, Inc. is on file in the Department of Finance.

Legal Considerations: The contracts and related documents will be approved as to form by the City Attorney's office.

Recommendation/Action: It is recommended that the City Council accept the recommendation of the Health Insurance Advisory Committee and approve Coventry Health Care of Kansas, Inc. as the medical and prescription drug provider for 2006, with the modifications in co-pays/deductibles/benefits and authorize the required signatures.

Agenda Item # 19 - Revised

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report # 05-0927

TO: Mayor and City Council

SUBJECT: Capital Improvement Program Planned Savings Projects (All Districts)
(REVISED 10-14-2005)
Agenda Item 19.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0927

TO: Mayor and City Council

SUBJECT: Capital Improvement Program Planned Savings Projects (All Districts)

INITIATED BY: Finance Department

AGENDA: Consent

Recommendations: Approve the project.

Background: The 2005-2014 Capital Improvement Program (CIP) contains an allowance for “planned savings.” Planned savings account for unexpended or under expended project budgets. Like the operating budget, predicting the savings from individual projects is very difficult. However, the capital budget (CIP) always experiences some level of under expenditures.

Analysis: The total funds available from under-expenditures are expected to be \$3.75 million. Most of these funds (\$2.25 million) are proposed for repairs to City facilities. Repairs would primarily consist of major mechanical and structural repairs. Routine maintenance items will not be funded by this project.

One example of a major repair project that may be considered is the air handling system at the Art Museum. The current equipment is about 28 years old and needs to be replaced to maintain the building to a standard to display the artwork inside. Other projects may be identified later, as

building needs continue to be evaluated. No expenditures will be made without approval by the City Manager.

Additionally, \$1.5 million in planned savings is requested to accelerate replacement of Police cars. The Fleet Fund provides replacement for most City vehicular equipment, including Police vehicles. Based on current patrol strategies and usage, about 100 Police patrol vehicles should be replaced every year. Fleet currently does not have adequate resources to replace the Police fleet quickly enough to maintain the vehicles in a relatively good condition with relatively low miles. The target for replacement is 100,000 miles. The current Fleet budget includes about 35 to 40 Police patrol car replacements annually.

To partially offset the cost of increasing and accelerating Police vehicle replacements, heavy equipment such as backhoes, bulldozers, tractors and dump trucks would be replaced using planned savings funds. All equipment to be replaced using planned savings has a useful life of at least 10 years and is therefore eligible for bonding.

Staff will continue to evaluate Fleet operations, including equipment replacement schedules, and make recommendations for improvements.

Financial Considerations: Planned savings are estimated based on the General Obligation (G.O.) capital budget. The G.O. budget consists of planned bond sales, note sales (pay-as-you-go or cash financing) and the Local Sales Tax (LST) budgeted for arterial streets. For 2005 – 2007, these three funding sources total about \$122.6 million. Planned savings are estimated at 3% of budget, a rate comparable to the operating budget planned savings assumption.

Legal Considerations: The Law Department has approved the authorizing Ordinance and the bonding resolution as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, place the Ordinance on First Reading, adopt the bonding resolution, authorize the budget transfers, and authorize necessary signatures.

Agenda Item No. 20

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0928

TO: Mayor and City Council

SUBJECT: Cheney Reservoir Watershed Cost-Share Agreement

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Memorandum of Understanding (MOU) with the Reno County Conservation District to help finance conservation practices to reduce pollution entering Cheney Reservoir.

Background: Cheney Reservoir is a major water source for Wichita, currently providing approximately 60 percent of the City's annual water supply. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed above the reservoir. Since then, the City Council has approved annual agreements with the Cheney Watershed Citizens Management Committee and the Reno County Conservation District to help implement improvements in the watershed.

Analysis: It has been determined that Cheney Reservoir has at least two significant pollution problems: sedimentation and phosphates. Sedimentation washes into the reservoir from soil erosion, which can reduce the life of the reservoir, and high phosphate levels can lead to an increase in microscopic plant activity such as algae, thus increasing taste and odor problems in the water.

The Reno County Conservation District has acquired funds from the Water Resources Cost-Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS) to help finance the installation of conservation practices that will reduce pollution entering the reservoir. Under these programs, the producer can install Best Management Practices to reduce pollution from their land and apply for reimbursement up to 70 percent of the cost of the improvements. The MOU facilitates a means whereby the producer can receive up to 100 percent reimbursement by having the City of Wichita provide up to a 30 percent cost-share for the improvements. Producers will not be eligible for any costs that exceed the County Average Cost for those improvements.

Administration of the funds will be through the Cheney Watershed Citizens Management Committee. The committee, composed of landowners and producers in the watershed, administers the Watershed Management Plan and coordinates efforts to promote the installation of Best Management Practices in the watershed. This agreement will help facilitate the creation of partnerships between producers in the watershed and the City to reduce pollution that enters the reservoir. In addition, Stafford, Pratt, and Kingman Counties have agreed to participate. Projects completed in those counties will be submitted to the City through the Reno County Conservation District.

Alternatives: There are several alternatives that the City could pursue in attempting to reduce or eliminate pollution in Cheney Reservoir.

1) Participate in this program. The WRCS and NPS programs would provide 70 percent of the funds to correct pollution problems in the basin, with the remaining 30 percent coming from the City.

2) Wait until the pollution problems are more severe; however, the City would stand the risk of not having other funding sources to help participate in the cleanup of the drainage basin. Furthermore, customer dissatisfaction with taste and odor, or the additional cost of treating the above, would have a detrimental impact.

3) Forego efforts to work in the basin, and respond to the water quality in the reservoir. City Council has approved the use of powered activated carbon (PAC) and the construction of ozone equipment to help address taste and odor problems, but if conditions in the reservoir deteriorate, the cost of treatments will increase. The treatments, however, do not remove the sediment coming into the reservoir. To remove the sediment after it is in the reservoir, and thus extend its life, would require that the sediment be dredged, which is a costly and environmentally destructive process.

Financial Considerations: The maximum WRCS available to a single producer in Reno County in fiscal year 2006 will be \$5,000 and limited to \$7,500 for the NPS Program. Calculation is based on the County Average Cost, or actual cost, whichever is less. Reno County has WRCS funds of \$47,961 available in fiscal year 2006, while NPS has \$17,706.

Stafford County maximum WRCS available to a single producer will be limited to \$5,000 and \$5,000 for the NPS Program. The total amount of WRCS funds available in fiscal year 2006 will be \$37,876 and NPS will have funds available of \$22,820.

Pratt County maximum WRCS available to a single producer will be limited to \$3,500 and \$2,200 for the NPS Program. The total amount of WRCS funds available in fiscal year 2006 will be \$36,308 and NPS will have funds available of \$20,503.

Kingman County maximum WRCS available to a single producer will be limited to \$3,500 and limited to \$10,000 for the NPS Program. The total amount of WRCS fund available in fiscal year 2006 will be \$25,009 and the amount of NPS funds available will be \$17,608.

The cost to the City shall not exceed \$44,160 for WRCS projects, or \$32,270 for NPS projects for a total combined amount of \$76,430 in fiscal year 2006. CIP W-500, Cheney Watershed Protection Plan, has allocated \$200,000 in 2006 for this effort. Other sources of funding include the EPA, the State of Kansas Water Plan and the USDA, all helping to diversify the cost of the improvement projects among funding sources.

Legal Considerations: The Law Department has approved the Memorandum of Understanding as to form.

Recommended Action: It is recommended that the City Council: 1) approve the MOU with the Reno County Conservation District; 2) adopt the Resolution; and 3) authorize the necessary signatures.

Agenda Item No. 21

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0929

TO: Mayor and City Council

SUBJECT: Cheney Watershed Staff Position – Memorandum of Understanding

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Memorandum of Understanding with the Cheney Lake Watershed, Inc. for a staff position.

Background: Cheney Reservoir is one of Wichita's major sources of water, currently providing approximately 60 percent of Wichita's annual water supply. Since 1993, the City has participated in a program to encourage the implementation of projects that will reduce pollution entering the reservoir. Participation includes the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed. On October 13, 1998, the City Council approved a Memorandum of Understanding (MOU) with the Citizens Management Committee, now incorporated as the Cheney Lake Watershed, Inc., to fund a public relations/education position renewable annually.

Analysis: The Cheney Watershed Improvements project is one of the most successful projects of its kind in the nation, having received several national awards. Over 2,300 projects have been completed in the watershed. The work already has resulted in a reduction in taste and odor events in the City's drinking water, plus a significant reduction in sediment entering the reservoir. Much credit for the success of the project can be attributed to the work of the Citizens Management Committee (CMC), composed of people living and working in the watershed who have worked hard to convince their neighbors that these improvements are good for both them and the City.

The staff person funded through this MOU assists the CMC in executing many public relations and education tasks. This staff position has been very successful in increasing interest in the watershed project, increasing the number of projects completed in the watershed, and consequently, improving the water quality in the reservoir.

Financial Considerations: The cost for the position is \$38,580. The Kansas Department of Health and Environment has offered to provide \$14,060 (approx. 36 percent) towards this position through a grant from the U.S. Environmental Protection Agency, with the City providing \$24,520 (64 percent), as well as \$3,000 to assist in other contractual expenses of the watershed. The remaining cost will be obtained from a grant from the EPA. Funds are available in CIP W-500, Cheney Watershed Protection Plan, which has \$200,000 allocated for this project in 2006.

Legal Considerations: The MOU has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Memorandum of Understanding with the Cheney Lake Watershed and authorize the necessary signatures.

Agenda Item No. 22

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0930

TO: Mayor and City Council Members

SUBJECT: City Hall Garage Repairs (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Amended Resolution.

Background: On November 16, 2004, City Council approved a CIP project to perform a condition appraisal/maintenance review of the City Hall Parking Garage.

On February 15, 2005, City Council approved a contract with the combined firms of McCluggage Van sickle Perry Corp. (MVP) and Walker Parking Consultants, Inc. to perform the condition appraisal/maintenance review.

On July 12, 2005, City Council approved a contract amendment with MVP and Walker for continued consultant services related to the Construction Documents, Bidding, and Construction Administration Phases for the repairs as identified in the condition appraisal.

Analysis: Repairs as identified in the condition appraisal include but are not limited to: deteriorated control joint sealants; surface spalling of the supported concrete topping slab; delaminated concrete in the supported slab and ramp; moisture infiltration of the spandrel brick façade; bearing pad issues in select locations; corrosion of the metal pan stairs and railings at the west stair tower; cracked brick façade at the northwest corner on the upper level; fading and corrosion of metal railing on the top of the spandrel beams; faded floor markings; deterioration of the traffic topping on the ramp; deteriorated floor tile and concrete spalling in the east elevator/stair tower and obstructed floor drains.

The estimated probable cost of construction for the recommended base repairs is \$263,835, which exceeds the 2005 CIP budget of \$250,000 by \$13,835. The approved 2005-2014 CIP includes an additional \$250,000 in 2006 which will be used to complete the recommended base repairs and replace the southwest steel stair tower with galvanized stairs/treads, replace the rubber tile flooring, and install walk-off carpet in the elevators in the east elevator/stair tower.

It is recommended Council approve the remaining CIP funding so the structure's integrity and maintainability can be restored, while maintaining the service life of a major capital investment.

Financial Considerations: The project is authorized in the 2004-2013 Capital Improvement Program (CIP) PB-350502 (Project No. 435392, OCA No. 792427) at \$250,000 in 2005. The approved 2005-2014 CIP includes an additional \$250,000 in 2006 for a total of \$500,000.

Legal Considerations: The Law Department has approved the Amended Resolution as to form.

Recommendation/Action: It is recommended that the City Council adopt the Amended Resolution and authorize the necessary signatures.

Agenda Item No. 23

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0931

TO: Mayor and City Council Members

SUBJECT: Boys & Girls Club Infrastructure Improvements (north of 21st, west of Grove) (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendations: Approve the project.

Background: On June 21, 2005, the City Council approved an agreement with the Boys and Girls Club of South Central Kansas to redevelop the former Logopedic Institute site as a youth services center. Funding for associated public infrastructure improvements has been included in the 2005-2014 Capital Improvement Program. Professional Engineering Consultants, Inc (PEC) has been selected to provide engineering design services.

Analysis: The project will reconstruct Jardine Drive and sidewalks within the campus. New streetlights will be installed and the street right-of-way will be landscaped.

Financial Considerations: The project budget is \$1,200,000 with the total paid by the City. In addition, Wichita State University has agreed to contribute up to \$130,000 for demolition expenses. The actual demolition cost will likely be substantially less than \$130,000. The funding source for the City share is General Obligation Bonds.

Legal Considerations: The Law Department has approved the authorizing Resolution as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, adopt the Resolution and authorize the required signatures.

Agenda Item No. 24

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0932

TO: Mayor and City Council Members

SUBJECT: Easement for Sanitary Sewer Main, located along 135th St. West, between Central and 21st Street North (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Acquisition.

Background: The City Council adopted a Resolution on October 4, 2005 declaring it necessary to provide sanitary sewer main service to a developing residential corridor along 135th Street West, between Central and 21st Street North. Fulfillment of this Resolution requires easements on tracts located on the west side of 135th Street.

Analysis: A negotiated settlement of \$13,000 has been accepted by one property owner in exchange for a 14,914 sq. ft. sanitary sewer easement, a street dedication of 59,660 square feet, and all necessary temporary construction easements.

Financial Considerations: A budget of \$13,000 is requested. The funding source will be the Main 4, Northwest Interceptor Sanitary Sewer Project.

Legal Considerations: The Law Department has approved the Sanitary Sewer Easement, Right of Way Dedication, and temporary construction easements as to form.

Recommendation/Action: It is recommended that the City Council approve the budget and the easement; authorize all necessary signatures.

Agenda Item No. 25

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0933

TO: Mayor and City Council Members

SUBJECT: Railroad Permits for a Water Line along Hoover Road, north of Zoo Boulevard (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Authorize the Mayor to sign the railroad permits

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Background: On May 21, 2002, the City Council approved a water line project along Hoover Road, north of Zoo Boulevard at 21st Street.

Analysis: Permits from the Kansas and Oklahoma Railroad are required to allow construction of the water line. Two copies of the two required permits have been attached for signature by the

City of Wichita, and will go into effect upon countersigning by the railroad. The executed documents will be returned to the City of Wichita.

Financial Considerations: The permit fees total \$4,200, and shall be paid by the improvements district and Water Utility as a shared expense to the project.

Legal Considerations: The Law Department has reviewed the permit agreements and approved it as to form.

Recommendation/Action: It is recommended that the City Council approve the railroad permits, authorize payment to the railroad, and authorize necessary signatures.

Agenda Item No. 26

Sale of Surplus Parcel near Sewer Plant 2. (District III)

(PULLED PER COUNCIL MEMBER SKELTON)

Agenda Item No. 27

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0935

TO: Mayor and City Council

SUBJECT: Fleet Internal Service Fund Budget Adjustment

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the budget transfers.

Background: Fleet Maintenance is responsible for the operation and maintenance of about 2,200 automobiles, light trucks, heavy trucks, heavy equipment and light equipment used by City departments. Fleet does not provide vehicles or service for Wichita Transit's large buses, or for

Airport equipment. Internal customers pay rent on vehicles and equipment to offset the operation, maintenance and future replacement costs. Services include preventive maintenance, repairs, tire service, mobile service, fueling, overhauls, towing, body shop and major mechanical repairs. Repairs to electrical components, cooling systems and heavy equipment tires are contracted to outside vendors. Major repairs for specialized heavy equipment are managed contractually with local businesses.

Analysis: The Fleet budget is established based on known and estimated costs, including wages, insurance, repair parts and fuel. In 2005, fuel costs have been significantly higher than estimated. The higher costs have caused a budget shortfall in several Fleet line items.

Additionally, replacement Police vehicles should be equipped with new equipment, such as light bars, radios and partitions. Much of this equipment has been transferred from old cars as new cars were purchased, and some of the equipment is up to 15 years old. The purchase of this new equipment was not fully anticipated in the Fleet budget, and will cause expenditures to be over budgeted levels in some line items.

Financial Considerations: The Fleet Fund has a State-certified 2005 expenditure budget of \$13,618,790. To complete all 2005 transactions, it is estimated that transfers of up to \$1,150,000 (about 8.4% of budget) will be needed. The additional fuel costs are estimated at \$840,000, and the new Police car equipment is estimated to cost \$310,000 to equip 40 cars. All transfers would occur within the Fleet Fund, using contingency funds. Including these transfers, total fund expenditures will be less than the 2005 State-certified expenditure budget of \$13,618,790.

Legal Considerations: Budget transfers over \$25,000 require City Council approval.

Recommendations/Actions: It is recommended that the City Council approve the budget transfers.

Agenda Item No. 28

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0936

TO: Mayor and City Council Members

SUBJECT: South Arkansas River Greenway Improvements (District III)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Approve the bonding resolution and authorize initiation of the project.

Background: On January 11, 2005, City Council approved and authorized the initiation of funding in the amount of \$30,000 to provide design services for the South Arkansas River Greenway. K.E. Miller Engineering, P.A. w/Landworks Studio was the selected vendor to provide design services for an access point to the river for canoeing purposes. Proposed improvements for the project include an entrance road, a small parking lot and canoe launching point, a meeting spot and an access trail. Final design plans are prepared for bidding and construction of this project.

Analysis: The construction of the South Arkansas Greenway canoe launch will provide the second official river access point along the Big Arkansas River in the last two years for the City of Wichita. This new access point will allow river enthusiast another key point along the canoe trail. This project aligns with the mission and vision to develop a comprehensive system of access points as identified in the Arkansas River Corridor Access Plan approved by City Council on August 5, 2005.

Financial Considerations: The 2006 Park Capital Improvement Program includes \$270,000 for the construction of this project. The funding source is general obligation bonds.

Legal Considerations: The Law Department has approved the bonding resolution to form.

Recommendation/Action: It is recommended that the City Council 1) approve the bonding resolution, 2) authorize initiation of the construction project, and 3) authorize all necessary signatures.

Agenda Item No. 29

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0937

TO: Mayor and City Council Members

SUBJECT: Assistance to Firefighters Grant Program Grant Award (All Districts)

INITIATED BY: Fire Department

AGENDA: Consent

Recommendation: Approve the grant award.

Background: The FY 2005 Defense Authorization Act authorized the federal Department of Homeland Security, Federal Emergency Management Agency (FEMA), to make \$650 million in grants available to fire departments. The programs and associated activities that were eligible for the 2005 grant programs were as follows: Operations and Firefighter Safety program and Firefighting Vehicle Acquisition Program. Applicants could only apply for one of the two programmatic areas, however within the selected programmatic area, applicants could apply for a number of activities. On April 5, 2005, the City Council approved the submission of a grant application in the amount of \$255,500, including the required local match.

Analysis: The City applied for \$204,400 in grant funds for the fire operations and firefighter safety program category. On October 7, 2005 the Department of Homeland Security announced the award of the Assistance to Firefighters Grant for Fire Operations and Firefighter Safety Program to the Wichita Fire Department. This award will be used to replace and upgrade the breathing air compressors and increase air delivery capabilities.

Financial Considerations: The grant application was originally submitted for \$204,400. The U.S. Department of Homeland Security reduced the grant award to \$202,396. The decrease in the grant funding was due to the agreed reduction amount of three generators. The approved cost for three generators is \$50,000 each instead of \$50,500 for one and \$51,500 for the other two as requested in the initial application. Because of the funding reduction, the total project cost is \$252,495. The federal share was reduced from \$204,396 to \$202,396 and the City's matching funds from the Fire Department capital improvements account were reduced from \$51,099 to \$50,599. The City Council previously approved the local match.

Legal Considerations: None

Recommendation/Action: It is recommended that the City Council approve the FY 2005 Assistance Firefighters Grant award.

Agenda No. 29a.

City of Wichita
City Council Meeting
October 18, 2005
Agenda Report No. 05-0956

TO: Mayor and City Council

SUBJECT: City Manager Performance Evaluation

INITIATED BY: City Council

AGENDA: Consent

Recommendation: Approve salary increase.

Background: Mr. George Kolb was appointed by the City Council to serve as City Manager of the City of Wichita on June 8, 2004. On that same date, the City Council also approved and authorized the Mayor to sign a letter agreement concerning the employment conditions of the new City Manager. Mr. Kolb began his service as City Manager on July 26, 2004.

Analysis: The employment agreement provides that in its discretion, the governing body may increase the City Manager's annual base salary, subject to performance evaluations. Based on the performance review of the City Council, a COLA increase of 3.5 % to the annual base salary of the City Manager is appropriate. The increase will be retroactive to August 1, 2005.

Financial Considerations: The adopted budget provides for such increase based on performance review.

Legal Considerations: None

Recommendations/Actions: Authorize and approve a COLA salary increase of 3.5% to the annual base salary of City Manager George Kolb, retroactive to August 1, 2005.

Agenda Item 29b.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0957

TO: Mayor and City Council Members

SUBJECT: Public Safety AVL

INITIATED BY: IT/IS Department

AGENDA: Consent

Recommendation: Approve Purchase

Background: On June 7, 2005, The City of Wichita Council approved Supplemental Agreement FY02 ITS Deployment Program to approve the purchase of equipment to facilitate the AVL project for regional Public Safety vehicles. Part of the equipment needed for the project is the data modem/AVL device. Data modems have been in use by the Wichita Police Department since 1997 for connection to the Computer Aided Dispatch (CAD) 911 system.

Analysis: A significant part of the project is the upgrade of the CAD 911 network, including data modems. The purchase on modems from Dataradio, Inc. will be sole source due to the constraints of compatibility with the Sedgwick County CAD system.

Financial Considerations: The purchase of modems from Dataradio, Inc. will not exceed \$670,000 which falls within the project cost of \$2,418,232 approved by council on June 7, 2005. This project is funded by through the following means: 1.) FHWA will provide \$992,782, 2.) KDOT will provide a total not to exceed \$855,270, 3.) Sedgwick County 911 funds will provide up to \$500,000, 4.) after Sedgwick County was depleted its funding, the City shall provide the remainder with a project total not to exceed \$70,180.

Legal Considerations: A supplemental agreement detailing the expenditures for this project has been reviewed by the Legal departments of KDOT, Sedgwick County, and the City of Wichita.

Recommendation/Action: It is recommended that the City Council approve purchase of data modems from Dataradio, Inc.

Agenda Item No. 30

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report # 05-0938

TO: Mayor and City Council

SUBJECT: Public Hearing and Request for Amended Letter of Intent for Industrial Revenue Bonds, and Ordinance Amendments for Biz Loan Program (Old Town Courtyard by Marriott Hotel Project) (District VI)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Close the Public Hearing and approve the amended Letter of Intent for Industrial Revenue Bonds and approve first reading of the amending Ordinance modifying the Biz Loan Program.

Background: On May 3, 2005, the City Council approved the issuance of a two-year Letter of Intent for Industrial Revenue Bonds (“IRBs”) in an amount not-to-exceed \$12,000,000 to Old Town Lodging LLC for the benefit of the Courtyard by Marriott Hotel. At that time the Council also approved a 100% five-plus-five-year property tax exemption on bond-financed improvements and personal property, subject to an annual payment-in-lieu-of-taxes in the amount of \$45,000 less actual taxes paid. Bond proceeds will be used to renovate the former Printing Inc. warehouse and add three additional stories to create space for a hotel with between 106 and 129 guest rooms, a restaurant/coffee shop, meeting rooms, a fitness center and a large atrium area located at 820 E. Second Street. In addition, the City Council approved the use of up to \$1.5 million in the Façade Improvement Program, and approval of a Section 108 loan under the Biz Loan Program.

Old Town Lodging LLC is now requesting to modify the Letter of Intent to increase the not-to-exceed amount by an additional \$3,000,000, bringing the total not-to-exceed amount to \$15 million. In addition, Old Town Lodging LLC has requested that the Biz Loan Program be modified to allow the matching private loan to be initiated by a lender that is not a bank. The language in the Biz Loan Ordinance currently requires matching loans to be made by banks and does not provide for exceptions. Old Town Lodging LLC has advised that the principal source of the private loan will be an Ohio chartered insurance company, and that RockBridge Real Estate Fund II LLC, a Delaware LLC will be a participant. RockBridge Capital LLC, an Ohio LLC, will act as the servicer for both the City and private loans (instead of SCKEDD).

Analysis: In conjunction with its original proposed project, Old Town Lodging has identified additional expansion requirements. The proposed \$3,000,000 increase is required due to increased costs for additional units for the facility. It is important that the Letter of Intent amount reflect the full cost of acquiring, constructing and equipping the Project in order to facilitate property tax abatement. All other provisions of the Letter of Intent shall remain unchanged.

The changes to its Biz Loan program are necessary if the City wishes to allow the Biz Loan feature to remain under consideration, because Old Town Lodging LLC was unable to obtain a bank loan in the amount needed to match against the City’s Biz Loan funds. RockBridge Capital, whose role has been to provide equity financing, has agreed to replace the bank as the private Lender under the terms of the Biz Loan Program.

Financial Considerations: Old Town Lodging, L.L.C. agrees to pay all costs of issuing the bonds and agrees to pay the City’s \$2,500 annual IRB administrative fee for the term of the bonds. An actual Biz Loan closing will be dependent upon obtaining further information concerning the specifics of the loan terms, servicing agreement, and underwriting standards proposed by the RockBridge entities in order to meet other Biz Loan Program requirements (such as loan

committee pre-approval). The lending practices and underwriting standards of the RockBridge entities may not be subject to the same safety and soundness regulations as the lending practices and standards of FDIC-insured banks that are subject to federal inspection. Accordingly, the program modification may expose the City Biz Loan funds (secured by a pledge of the City's CDBG program funds) to additional risk of loss.

A new cost-benefit analysis was performed by the Wichita State University Center for Economic Development and Business Research, based on the increased project cost. New benefit-to-cost ratios for the amended Letter of Intent are:

City of Wichita	2.33 to one
Sedgwick County	1.13 to one
USD 259	1.04 to one
State of Kansas	3.22 to one

Legal Considerations: Bond documents required for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. The City Attorney's Office has prepared the form of Ordinance needed to modify the Biz Loan Program to allow loans from non-bank lenders, if the City chooses to approve such modification.

Recommendations/Actions: It is recommended that City Council close the Public Hearing and approve an amended Letter of Intent to Old Town Lodging LLC for Industrial Revenue Bonds in an amount not-to-exceed \$15,000,000, and that such Letter of Intent be in effect for a two-year term from its original date, and that City Council approve first reading of the Ordinance modifying the Biz Loan Program, and authorize necessary signatures.

AGENDA ITEM NO. 31.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0939

TO: Mayor and Members of the City Council

SUBJECT: Ordinance to Authorize Loan Guaranty Agreement and Certificate of Deposit for the Power CDC Grocery Store Project (District I)

INITIATED BY: City Manager's Office

AGENDA: New Business

Recommendation: Place the Ordinance on first reading to authorize the Loan Guaranty and Certificate of Deposit for the Power CDC Grocery Store Project.

Background: On July 12, 2005 the City Council approved the substantial amendment to the HUD Consolidated Plan to create a new activity that will provide assistance to Community Developers of Wichita, L.L.C., a for-profit entity related to POWER CDC. Financial assistance will be in the form of a loan guaranty in the amount of \$700,000 in which Community Development Block Grant (CDBG) funds will be used to guaranty a bank loan for the development of a grocery store located at 13th and Grove. On September 20, 2005 the City Council approved the Ordinance adopting the Power CDC Grocery Store Redevelopment Project Plan, which identified the use of future CDBG allocations to fund a guaranty for a short-term bank loan to Power CDC needed to fill a gap in project funding.

Analysis: The purpose of the ordinance is to authorize the City to execute a loan guaranty agreement between the City, Commercial Federal Bank and Community Developers of Wichita, L.L.C., which will include provisions to obligate City funds if CDBG grant funds are unavailable in sufficient amounts. The ordinance also authorizes the placement of a certificate of deposit in the amount of \$700,000 at Commercial Federal Bank as extended collateral for the CDBG loan guaranty in the event Congress does not appropriated future funds for the Community Development Program, and authorizes revision of City collateral and investment policies to permit the certificate of deposit to be collateralized with a Federal Home Loan Bank letter of credit.

Financial Considerations: The total development costs for the Power CDC Grocery Store is estimated at \$2,070,000. The project will be funding from the following sources:

Commercial Federal Bank	\$217,344
Wichita Biz Loan Program	\$108,565
City's Tax Increment Financing Program	\$350,000
HUD Economic Development Initiative Grant	\$750,000
Commercial Federal Bank (Gap Loan)	\$644,000

Funds in the amount of \$350,000 from each of the 2006/2007 and 2007/2008 CDBG programs will be designated to the loan guaranty that will cover the Commercial Federal Bank (Gap Loan) principal and interest for a 24-month period. Community Developers of Wichita, L.L.C./Power CDC will commit to repay the gap loan to Commercial Federal Bank with one-half due in late December 2006 and the other half due at the end of the 24-month term. However, under the terms of the guaranty agreement, Commercial Federal Bank will have the right to call the entire balance of the gap loan on December 29,

Power CDC Grocery Store Project

October 18, 2005

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2006, and trigger payment from the City's guaranty if the City has not budgeted and appropriated funds sufficient to allow the renewal of the certificate of deposit to the end of the original 24-month term. Any amount paid from the CDBG loan guaranty will be secured by a property lien, subordinated to the commercial loan and the Wichita Biz Loan.

The ordinance authorizes a deposit of \$700,000 in public funds in a certificate of deposit with Commercial Federal Bank to provide additional security in the event CDBG funds are unavailable. The ordinance will initially authorize this certificate for a term up to December 29, 2006, with a further direction that the City Treasurer or Cash Manager renew the certificate of deposit (or so much of it as may be needed to secure the remaining gap loan balance) on that date, if sufficient funds have been budgeted and appropriated for such purposes, to a date one day after the maturity date of the 24-month gap loan. Upon completion of the 24-month term of the gap loan, all unused public funds, including the legally required interest will be returned to the City.

Legal Considerations: The ordinance has been prepared and approved by the Law Department. The ordinance is necessary to invoke the City's Home Rule powers in order to obligate City tax funds in the event CDBG funds are unavailable in amounts sufficient to fund the guaranty. The ordinance also makes the necessary K.S.A. Chapter 9 designation of Commercial Federal Bank as a depository of public funds. The provisions for the initiation and renewal of the certificate of deposit are designed to comply with applicable requirements and restrictions of the Kansas Cash Basis Law and the Kansas Budget Law.

Recommendations/Actions: It is recommended that the City Council place the Ordinance on first reading to authorize the Loan Guaranty and Certificate of Deposit for the Power CDC Grocery Store Project, and authorize the necessary signatures.

Agenda Item # 32.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report # 05-0940

TO: Mayor and City Council Members

SUBJECT: Public Hearing on Proposed Assessments for Thirty-eight (38) Water Projects, Thirty-seven (37) Sewer Projects, and Seventeen (17) Storm Sewer Projects in February 2006 Bond Sale Series 784 (All Districts)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the proposed assessments and ordinances.

Background: The City Council was notified on September 20, 2005 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Analysis: Notice of hearing letters were published September 23, 2005 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing October 10, 2005 at 11:00 a.m. for the water and sewer projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on October 28, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the February 2006 Bond Sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2006 tax roll.

Legal Considerations: These projects were initiated pursuant to provisions of KSA 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

470-871	448-89946	Water Distribution System (68.15% Petition)
480-693	468-83667	Lateral 36, Main 1, Cowskin Interceptor Sewer (Ordered In)
480-729	468-83772	Lateral 13, Main 14, Southwest Interceptor Sewer (Ordered In)
480-784	468-83846	Lateral 144, Main 4, Sanitary Sewer No. 23 (Ordered In)

Recommendation/Action: It is recommended that the City Council close the Public Hearing, approve the proposed assessments and *find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the assessment Ordinances on the date of their introduction*

HEARING ON PROPOSED ASSESSMENTS FOR CONSTRUCTION OF WATER, SEWER, AND STORM SEWER PROJECTS:

On September 20, 2005 the Council was notified that the Proposed Assessment Rolls for construction of the following water, sewer and storm sewer projects has been prepared and

were on file in the office of Debt Management in the Finance Department for public inspection:

WATER PROJECTS:

A. (470-907/448-88695) Construction of Water Distribution System No. 448-88695 TO SERVE FOUR H ADDITION, North of Central, West of Tyler, as authorized by Resolution No. R-93-105, rescinded by Resolution No. R-05-046, adopted March 23, 1993 & February 1, 2005, and published March 26, 1993 & February 4, 2005, corrected & republished March 4, 2005.

Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$32,204.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

B. (470-840/448-89473) Construction of Water Distribution System No. 448-89473 TO SERVE HARBOR ISLE 3RD & REPLAT OF PART OF HARBOR ISLE 3RD ADDITIONS, East of Meridian, South of 53rd Street North, as authorized by Resolution No. R-00-203, rescinded by Resolution No. R-03-545, adopted May 9, 2000 & October 21, 2003, and published May 12, 2000 & October 24, 2003, corrected & republished November 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$93,850.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

C. (470-885/448-89681) Construction of Water Distribution System No. 448-89681 TO SERVE GRAY'S 5TH ADDITION, North of 47th Street South, East of Hoover, as authorized by Resolution No. R-02-414, adopted September 17, 2002, and published September 21, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$83,976.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

D. (470-869/448-89713) Construction of Water Distribution System No. 448-89713 TO SERVE HIDDEN GLEN, West of Hydraulic, South of 44th Street South, as authorized by Resolution No. R-04-058, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$77,296.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

E. (470-859/448-89734) Construction of Water Distribution System No. 448-89734 TO SERVE HAWTHORNE 4TH ADDITION, North of 21st, East of 127th Street East, as authorized by Resolution No. R-03-168, rescinded by Resolution No. R-04-437, adopted April 8, 2003 & August 17, 2004, and published April 11, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$38,821.00 is to be apportioned

100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

F. (470-868/448-89760) Construction of Water Distribution System No. 448-89760 TO SERVE SHADOW RIDGE ADDITION, East of Hillside, South of Pawnee, as authorized by Resolution No. R-02-558, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$18,937.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

G. (470-780/448-89768) Construction of Water Distribution System No. 448-89768 TO SERVE THE WATERFRONT, THE WATERFRONT 2ND, 3RD, 4TH & 5TH ADDITIONS, & UNPLATTED TRACTS, North of 13th, East of Webb, as authorized by Resolution No. R-03-014, rescinded by Resolution No. R-05-258, adopted January 7, 2003 & May 10, 2005, and published January 11, 2003 & May 13, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$237,901.00 is to be apportioned 74.3% payable by the improvement district & 25.7% payable by the Wichita Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

H. (470-894/448-89770) Construction of Water Distribution System No. 448-89770 TO SERVE FALCON FALLS ADDITION, South of 53rd Street North, West of Hillside, as authorized by Resolution No. R-03-047, adopted February 4, 2003, and published February 8, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$37,597.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

I. (470-888/448-89792) Construction of Water Distribution System No. 448-89792 TO SERVE SHADOW WOODS ADDITION, West of 135th Street West, North of Maple, as authorized by Resolution No. R-03-079, rescinded by Resolution No. R-04-360, adopted February 11, 2003 & July 20, 2004, and published February 15, 2003 & July 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$46,567.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

J. (470-795/448-89806) Construction of Water Distribution System No. 448-89806 TO SERVE BURNHAM INDUSTRIAL ADDITION, South of Harry, West of West Street, as authorized by Resolution No. R-03-201, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$10,277.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

K. (470-875/448-89826) Construction of Water Distribution System No. 448-89826 TO SERVE RIDGE PORT ADDITION, East of Ridge, North of 29th Street North, as authorized by Resolution No. R-03-233, adopted May 13, 2003, and published May 16, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$11,344.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

L. (470-804/448-89845) Construction of Water Distribution System No. 448-89845 TO SERVE THE WATERFRONT ADDITION, North of 13th, East of Webb, as authorized by Resolution No. R-03-327, adopted June 17, 2003, and published June 20, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$38,217.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

M. (470-901/448-89852) Construction of Water Distribution System No. 448-89852 TO SERVE REED'S COVE ADDITION, South of 21st, East of 127th Street East, as authorized by Resolution No. R-03-511, adopted September 16, 2003, and published September 19, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$17,656.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

N. (470-872/448-89867) Construction of Water Distribution System No. 448-89867 TO SERVE AVALON PARK, North of 37th Street North, East of Tyler, as authorized by Resolution No. R-03-465, rescinded by Resolution No. R-04-289, adopted September 9, 2003 & June 8, 2004, and published September 12, 2003 & June 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$52,490.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

O. (470-842/448-89874) Construction of Water Distribution System No. 448-89874 TO SERVE PARKWILDE ADDITION, North of 3rd, West of Florence, as authorized by Resolution No. R-04-040, adopted February 3, 2004, and published February 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$2,938.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

P. (470-898/448-89886) Construction of Water Distribution System No. 448-89886 TO SERVE RIVENDALE ADDITION, North of 55th Street South, West of Hydraulic, as authorized by Resolution No. R-03-548, adopted October 21, 2003, and published October 24, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$50,375.00 is to be apportioned

83.86% payable by the improvement district & 16.14% payable by the Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

Q. (470-837/448-89891) Construction of Water Distribution System No. 448-89891 TO SERVE TYLER'S LANDING 2ND ADDITION, South of 37th Street North, East of Tyler, as authorized by Resolution No. R-03-576, adopted November 4, 2003, and published November 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$117,519.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

R. (470-826/448-89901) Construction of Water Distribution System No. 448-89901 TO SERVE WATERFRONT 2ND ADDITION, TRACT A & B, North of 13th, East of Webb, as authorized by Resolution No. R-03-637, adopted December 2, 2003, and published December 5, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$31,172.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

S. (470-853/448-89917) Construction of Water Distribution System No. 448-89917 TO SERVE REMINGTON PLACE 3RD, South of 21st, East of Webb, as authorized by Resolution No. R-04-130, adopted March 16, 2004, and published March 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$74,828.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

T. (470-850/448-89920) Construction of Water Distribution System No. 448-89920 TO SERVE THE WATERFRONT ADDITION, North of 13th, East of Webb, as authorized by Resolution No. R-04-094, adopted March 2, 2004, and published March 5, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$9,232.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

U. (470-899/448-89926) Construction of Water Distribution System No. 448-89926 TO SERVE NICE'S ADDITION, North of 13th, East of High, as authorized by Resolution No. R-04-141, adopted April 6, 2004, and published April 8, 2004, corrected & republished April 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$2,466.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

V. (470-857/448-89938) Construction of Water Distribution System No. 448-89938 TO SERVE FAWN GROVE AT SUNSET LAKES ADDITION, South of Kellogg, West of Greenwich, as authorized by Resolution No. R-04-157, adopted April 6, 2004, and published

April 8, 2004, corrected & republished April 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$51,418.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

W. (470-871/448-89946) Construction of Water Distribution System No. 448-89946 TO SERVE WEST CENTRAL GARDENS, WEST CENTRAL GARDENS 3RD & AVERY ADDITIONS, North of Central, West of I-235 Freeway, as authorized by Resolution No. R-04-280, adopted June 8, 2004, and published June 11, 2004, corrected & republished June 28, 2004. Petition for this improvement was signed by owners representing 68.15% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$19,531.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

X. (470-863/448-89947) Construction of Water Distribution System No. 448-89947 TO SERVE BRENTWOOD SOUTH 2ND ADDITION, North of Pawnee, East of Webb, as authorized by Resolution No. R-04-248, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$21,510.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Y. (470-880/448-89949) Construction of Water Distribution System No. 448-89949 TO SERVE PRAIRIE POINTE & UNPLATTED TRACT 'A', North of 37th Street North, West of Maize, as authorized by Resolution No. R-04-367, adopted July 20, 2004, and published July 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$161,960.00 is to be apportioned 52% payable by the improvement district & 48% payable by the City of Wichita Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

Z. (470-881/448-89950) Construction of Water Distribution System No. 448-89950 TO SERVE PRAIRIE POINTE, North of 37th Street North, West of Maize, as authorized by Resolution No. R-04-217, adopted May 4, 2004, and published May 7, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$73,613.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AA. (470-864/448-89952) Construction of Water Distribution System No. 448-89952 TO SERVE FOX RIDGE ADDITION, East of Maize, North of 29th Street North, as authorized by Resolution No. R-04-235, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$107,948.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AB. (470-865/448-89953) Construction of Water Distribution System No. 448-89953 TO SERVE WESTBREEZE ADDITION, South of 2nd, West of West Street, as authorized by Resolution No. R-04-234, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$4,275.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

AC. (470-867/448-89955) Construction of Water Distribution System No. 448-89955 TO SERVE KISER WEST ADDITION & UNPLATTED TRACT, South of 13th, West of Greenwich, as authorized by Resolution No. R-04-284, adopted June 8, 2004, and published June 11, 2004, corrected & republished June 24, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$48,885.00 is to be apportioned 69% payable by the improvement district & 31% payable by the City of Wichita Water Utility Fund to the improvement district. The cost has been assessed on a fractional basis.

AD. (470-866/448-89956) Construction of Water Distribution System No. 448-89956 TO SERVE REED'S COVE 3RD ADDITION, East of 127th Street East, South of 21st, as authorized by Resolution No. R-04-266, adopted May 18, 2004, and published May 21, 2004, corrected & republished September 19, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$73,592.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AE. (470-883/448-89961) Construction of Water Distribution System No. 448-89961 TO SERVE TURKEY CREEK 2ND ADDITION, North of Pawnee, West of 119th Street West, as authorized by Resolution No. R-04-254, rescinded by Resolution No. R-05-100, adopted May 18, 2004 & March 1, 2005, and published May 21, 2004 & March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$91,352.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AF. (470-886/448-89977) Construction of Water Distribution System No. 448-89977 TO SERVE MY HOUSE ADDITION, South of 55th Street South, West of Broadway, as authorized by Resolution No. R-04-315, rescinded by Resolution No. R-04-385, adopted June 8, 2004 & July 27, 2004, and published June 11, 2004 & July 30, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$32,201.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AG. (470-874/448-89978) Construction of Water Distribution System No. 448-89978 TO SERVE SHADY RIDGE ADDITION, South of Central, East of Ridge, as authorized by Resolution No. R-04-306, adopted June 8, 2004, and published June 11, 2004. Petition for this

improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$26,326.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AH. (470-887/448-89988) Construction of Water Distribution System No. 448-89988 TO SERVE BLUE LAKE ADDITION, West of West Street, North of MacArthur, as authorized by Resolution No. R-04-470, adopted September 14, 2004, and published September 17, 2004, corrected & republished June 2, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$122,874.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AI. (470-889/448-90008) Construction of Water Distribution System No. 448-90008 TO SERVE SOUTHERN RIDGE 2ND ADDITION, South of Pawnee, West of Maize, as authorized by Resolution No. R-04-508, adopted September 14, 2004, and published September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$58,185.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AJ. (470-891/448-90019) Construction of Water Distribution System No. 448-90019 TO SERVE THE WATERFRONT 4TH ADDITION, North of 13th, East of Webb, as authorized by Resolution No. R-04-589, adopted November 2, 2004, and published November 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$24,008.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AK. (470-906/448-90024) Construction of Water Distribution System No. 448-90024 TO SERVE ANGEL FIRE ADDITION, North of 47th Street South, East of West Street, as authorized by Resolution No. R-05-002, adopted January 4, 2005, and published January 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$26,653.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AL. (470-902/448-90027) Construction of Water Distribution System No. 448-90027 TO SERVE THE FAIRMONT 3RD ADDITION, West of 127th Street East, North of 21st Street North, as authorized by Resolution No. R-04-647, adopted December 7, 2004, and published December 10, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$30,653.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

SEWER PROJECTS:

AM. (480-777/468-82194) Construction of LATERAL 8, MAIN 14, SOUTHWEST INTERCEPTOR SEWER, South of Kellogg, West of West Street, as authorized by Resolution No. R-92-129, adopted February 25, 1992, and published February 28, 1992. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$61,090.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

AN. (480-760/468-83064) Construction of LATERAL 4, MAIN 26, WAR INDUSTRIES SEWER, West of Greenwich, North of K-96, as authorized by Resolution No. R-00-063, adopted February 15, 2000, and published February 18, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$27,415.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AO. (480-765/468-83089) Construction of LATERAL 447, SOUTHWEST INTERCEPTOR SEWER, North of 21st, East of Tyler, as authorized by Resolution No. R-00-142, amended by Resolution No. R-04-461, adopted April 4, 2000 & September 14, 2004, and published April 7, 2000 & September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$28,132.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AP. (480-757/468-83099) Construction of LATERAL 5, MAIN 26, WAR INDUSTRIES SEWER, West of Greenwich, North of K-96, as authorized by Resolution No. R-00-184, adopted May 2, 2000, and published May 5, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$33,908.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AQ. (480-717/468-83287) Construction of LATERAL 4, MAIN 12, SANITARY SEWER NO. 23, South of 45th Street North, West of Oliver, as authorized by Resolution No. R-02-057, rescinded by Resolution No. R-03-659, adopted January 15, 2002 & December 16, 2003, and published January 19, 2002 & December 22, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$64,815.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AR. (480-752/468-83484) Construction of LATERAL 91, MAIN 1, SOUTHWEST INTERCEPTOR SEWER, West of Hydraulic, Between 44th & 45th Street South, as authorized by Resolution No. R-04-023, rescinded by Resolution No. R-04-239, adopted January 13, 2004 & May 18, 2004, and published January 16, 2004 & May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$243,596.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AS. (480-746/468-83502) Construction of MAIN 7, NORTHWEST INTERCEPTOR SEWER, An Area Generally Bounded by 29th Street North, Maize, 37th Street North, & 119th Street West, as authorized by Resolution No. R-04-281, adopted June 8, 2004, and published June 11, 2004, corrected & republished December 30, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$776,768.00 is to be apportioned 20% payable by the improvement district & 80% payable by the City of Wichita Sewer Utility Fund. The cost has been assessed on a square foot basis.

AT. (480-741/468-83511) Construction of LATERAL 2, MAIN 12, FOUR MILE CREEK SEWER, North of 21st, East of 127th Street East, as authorized by Resolution No. R-03-323, rescinded by Resolution No. R-04-439, adopted June 17, 2003 & August 17, 2004, and published June 20, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$93,877.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AU. (480-751/468-83557) Construction of LATERAL 158, WAR INDUSTRIES SEWER, East of Hillside, South of Pawnee, as authorized by Resolution No. R-02-560, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$11,280.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AV. (480-727/468-83591) Construction of LATERAL 348, FOUR MILE CREEK SEWER, South of Lincoln, West of 127th Street East, as authorized by Resolution No. R-03-138, adopted March 18, 2003, and published April 4, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$48,418.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AW. (480-768/468-83596) Construction of LATERAL 35, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, North of Maple, as authorized by Resolution No. R-03-082, rescinded by Resolution No. R-04-363, adopted February 11, 2003 & July 20, 2004, and published February 15, 2003 & July 23, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$263,250.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AX. (480-766/468-83635) Construction of LATERAL 38, COWSKIN INTERCEPTOR SEWER, West of 135th Street West, South of Central, as authorized by Resolution No. R-03-255, adopted May 20, 2003, and published May 23, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$143,983.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AY. (480-693/468-83667) Construction of LATERAL 36, MAIN 1, COWSKIN INTERCEPTOR SEWER, South of Maple, West of Maize, as authorized by Resolution No. R-03-355, rescinded by Resolution No. R-04-211, adopted July 8, 2003 & May 4, 2004, and published July 11, 2003 & May 7, 2004. Petition for this improvement was Ordered In. The Statement of Cost approved July 19, 2005, in the amount of \$45,197.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

AZ. (480-709/468-83741) Construction of LATERAL 43, MAIN 24, WAR INDUSTRIES SEWER, North of 13th, East of Webb, as authorized by Resolution No. R-03-638, adopted December 2, 2003, and published December 5, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$48,965.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BA. (480-790/468-83761) Construction of LATERAL 132, WESTLINK SEWER, North of Central, West of Tyler, as authorized by Resolution No. R-04-030, rescinded by Resolution No. R-05-411, adopted January 13, 2004 & August 9, 2005, and published January 16, 2004 & August 12, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$67,562.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BB. (480-737/468-83768) Construction of LATERAL 44, MAIN 24, WAR INDUSTRIES SEWER, South of 21st, East of Webb, as authorized by Resolution No. R-04-131, adopted March 16, 2004, and published March 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$103,324.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BC. (480-729/468-83772) Construction of LATERAL 13, MAIN 14, SOUTHWEST INTERCEPTOR SEWER, North of Esthner, West of West Street, as authorized by Resolution No. R-04-052, amended by Resolution No. R-04-602, adopted February 10, 2004 & November 2, 2004, and published February 13, 2004, corrected & republished July 11, 2005 & December 11, 2004, corrected & republished July 26, 2005. Petition for this improvement was Ordered In. The Statement of Cost approved July 19, 2005, in the amount of \$98,406.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

BD. (480-734/468-83773) Construction of LATERAL 45, MAIN 24, WAR INDUSTRIES SEWER, North of 13th, East of Webb, as authorized by Resolution No. R-04-095, adopted March 2, 2004, and published March 5, 2004, corrected & republished January 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$15,439.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BE. (480-738/468-83787) Construction of LATERAL 364, FOUR MILE CREEK SEWER, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-04-192, rescinded by Resolution No. R-05-199, adopted April 20, 2004 & April 12, 2005, and published April 23, 2004 & April 15, 2005, corrected & republished April 29, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$109,169.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BF. (480-739/468-83788) Construction of LATERAL 365, FOUR MILE CREEK SEWER, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-04-193, rescinded by Resolution No. R-05-165, adopted April 20, 2004 & April 5, 2005, and published April 23, 2004 & April 8, 2005, corrected & republished April 26, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$206,337.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BG. (480-740/468-83797) Construction of LATERAL 362, FOUR MILE CREEK SEWER, South of Kellogg, West of Greenwich, as authorized by Resolution No. R-04-159, adopted April 6, 2004, and published April 8, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$119,385.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BH. (480-762/468-83807) Construction of LATERAL 1, MAIN 7, NORTHWEST INTERCEPTOR SEWER, North of 37th Street North, West of Maize, as authorized by Resolution No. R-04-219, adopted May 4, 2004, and published May 7, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$164,050.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BI. (480-747/468-83812) Construction of LATERAL 14, NORTHWEST INTERCEPTOR SEWER, East of Maize, North of 29th Street North, as authorized by Resolution No. R-04-236, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$245,143.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BJ. (480-750/468-83815) Construction of LATERAL 370, FOUR MILE CREEK SEWER, East of 127th Street East, South of 21st, as authorized by Resolution No. R-04-268, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$261,127.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BK. (480-767/468-83818) Construction of LATERAL 1, MAIN 6, COWSKIN INTERCEPTOR SEWER, North of Pawnee, West of 119th Street West, as authorized by

Resolution No. R-04-258, rescinded by Resolution No. R-05-104, adopted May 18, 2004 & March 1, 2005, and published May 21, 2004 & March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$164,540.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BL. (480-753/468-83824) Construction of LATERAL 37, MAIN 1, COWSKIN INTERCEPTOR SEWER, North of Maple, West of Maize, as authorized by Resolution No. R-04-287, amended by Resolution No. R-04-578, adopted June 8, 2004 & October 19, 2004, and published June 11, 2004 & January 18, 2005, corrected & republished July 15, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$33,857.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BM. (480-773/468-83835) Construction of LATERAL 499, SOUTHWEST INTERCEPTOR SEWER, South of 55th Street South, West of Broadway, as authorized by Resolution No. R-04-316, amended by Resolution No. R-04-641, adopted June 8, 2004 & November 23, 2004, and published June 11, 2004 & November 29, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$142,523.00 is to be apportioned 47.9% payable by the improvement district & 52.1% payable by the Wichita Sanitary Sewer Utility Fund. The cost has been assessed on a fractional basis.

BN. (480-756/468-83837) Construction of LATERAL 500, SOUTHWEST INTERCEPTOR SEWER, South of Central, East of Ridge, as authorized by Resolution No. R-04-309, amended by Resolution No. R-04-460, adopted June 8, 2004 & September 14, 2004, and published June 11, 2004 & September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$47,705.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BO. (480-759/468-83845) Construction of LATERAL 371, FOUR MILE CREEK SEWER, West of 143rd Street East, North of 13th, as authorized by Resolution No. R-04-357, adopted July 13, 2004, and published July 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$89,973.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BP. (480-784/468-83846) Construction of LATERAL 144, MAIN 4, SANITARY SEWER NO. 23, North of 35th Street North, West of Arkansas, as authorized by Resolution No. R-04-676, adopted December 14, 2004, and published December 17, 2004. Petition for this improvement was Ordered In. The Statement of Cost approved July 19, 2005, in the amount of \$53,868.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BQ. (480-758/468-83847) Construction of LATERAL 32, MAIN 2, SOUTHWEST INTERCEPTOR SEWER, North of 43rd Street South, East of Seneca, as authorized by Resolution No. R-04-343, adopted July 13, 2004, and published July 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$8,465.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a square foot basis.

BR. (480-763/468-83854) Construction of LATERAL 16, NORTHWEST INTERCEPTOR SEWER, South of 13th, East of 135th Street West, as authorized by Resolution No. R-04-398, adopted August 3, 2004, and published August 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$48,978.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BS. (480-775/468-83893) Construction of LATERAL 44, COWSKIN INTERCEPTOR SEWER, South of Pawnee, West of Maize, as authorized by Resolution No. R-04-510, adopted September 14, 2004, and published September 17, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$298,744.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BT. (480-786/468-83896) Construction of LATERAL 5, MAIN 14, FOUR MILE CREEK SEWER, South of 21st, East of 127th Street East, as authorized by Resolution No. R-05-009, adopted January 4, 2005, and published January 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$35,816.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BU. (480-779/468-83898) Construction of LATERAL 35, MAIN 17, WAR INDUSTRIES SEWER, East of Rock, North of Oak Knoll, as authorized by Resolution No. R-04-538, adopted September 28, 2004, and published October 1, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$16,861.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BV. (480-792/468-83932) Construction of LATERAL 505, SOUTHWEST INTERCEPTOR SEWER, North of 47th Street South, East of West Street, as authorized by Resolution No. R-05-004, adopted January 4, 2005, and published January 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$48,635.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BW. (480-791/468-83939) Construction of LATERAL 273, MAIN 5, SANITARY SEWER NO. 22, West of Hoover, North of 8th Street, as authorized by Resolution No. R-05-016, rescinded by Resolution No. R-05-095, adopted January 4, 2005 & March 1, 2005, and published

January 10, 2005 & March 4, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$15,439.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

STORM SEWER PROJECTS:

BX. (485-266/468-83066) Construction of SWS NO. 533, TO SERVE REGENCY PARK ADDITION, West of Greenwich, North of K-96, as authorized by Resolution No. R-00-058, adopted February 15, 2000, and published February 18, 2000. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$124,232.00 is to be apportioned 80% payable by the improvement district & 20% payable by the City of Wichita. The cost has been assessed on a fractional basis.

BY. (485-261/468-83485) Construction of SWS NO. 574, TO SERVE HIDDEN GLEN ADDITION, West of Hydraulic, between 44th & 45th Street South, as authorized by Resolution No. R-04-024, rescinded by Resolution No. R-04-240, adopted January 13, 2004 & May 18, 2004, and published January 16, 2004, corrected & republished February 18, 2004; May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$201,624.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

BZ. (485-211/468-83500) Construction of SWD NO. 189, TO SERVE THE WATERFRONT ADDITION - BEECH LAKE DEV., East of Webb, North of 13th, as authorized by Resolution No. R-02-444, rescinded by Resolution 05-259, adopted 10/1/2002: May 10, 2005, and published October 5, 2002 corrected & republished August 9, 2004: May 13, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$367,493.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CA. (485-236/468-83679) Construction of SWD NO. 212, TO SERVE CRYSTAL CREEK ADDITION, North of Harry, West of Greenwich, as authorized by Resolution No. R-03-430, amended by Resolution No. R-03-454, & amended by Resolution No. R-04-039, adopted August 5, 2003, September 9, 2003 & February 3, 2004, and published August 8, 2003, September 12, 2003 & February 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$400,065.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CB. (485-249/468-83693) Construction of SWD NO. 213, TO SERVE AVALON PARK & UNPLATTED TRACT "A", North of 37th Street North, East of Tyler, as authorized by Resolution No. R-03-474, rescinded by Resolution No. R-04-290, adopted September 9, 2003 & June 8, 2004, and published September 12, 2003 & June 11, 2004. Petition for this improvement

was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$189,782.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CC. (485-263/468-83694) Construction of SWD NO. 214, TO SERVE AVALON PARK & UNPLATTED TRACT "A", North of 37th Street North, East of Tyler, as authorized by Resolution No. R-03-475, rescinded by Resolution No. R-04-291 & rescinded by Resolution No. R-04-412, adopted September 9, 2003, June 8, 2004 & August 10, 2004, and published September 12, 2003, June 11, 2004 & August 13, 2004 corrected & republished September 27, 2004 & February 22, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$222,372.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CD. (485-278/468-83712) Construction of SWS NO. 594, TO SERVE REED'S COVE & REED'S COVE 2ND ADDITIONS, South of 21st, East of 127th Street East, as authorized by Resolution No. R-05-008, adopted January 4, 2005, and published January 10, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$67,414.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CE. (485-246/468-83727) Construction of SWD NO. 218, TO SERVE TYLER'S LANDING 2ND ADDITION & UNPLATTED TRACTS "A" & "B", South of 37th Street North, East of Tyler, as authorized by Resolution No. R-03-579, adopted November 4, 2003, and published November 7, 2003. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$439,642.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CF. (485-248/468-83739) Construction of SWD NO. 221, TO SERVE NORTHRIDGE PLAZA ADDITION, North of 37th Street North, West of Ridge, as authorized by Resolution No. R-04-038, adopted February 3, 2004, and published February 6, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$140,262.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CG. (485-255/468-83792) Construction of SWD NO. 227, TO SERVE KRUG NORTH ADDITION & UNPLATTED TRACT A, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-04-181, amended by Resolution No. R-04-233 both rescinded by R-05-168, adopted April 13, 2004 & May 18, 2004, April 5, 2005, and published April 16, 2004, May 21, 2004, & April 8, 2005, Corrected & republished February 22, 2005, June 28, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$277,034.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CH. (485-256/468-83794) Construction of SWS NO. 604, TO SERVE KRUG NORTH ADDITION, North of 21st, West of 143rd Street East, as authorized by Resolution No. R-04-183, Rescinded by Resolution R-05-169, adopted 4/13/2004, April 5, 2005, and published 4/16/2004, April 8, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$371,743.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CI. (485-258/468-83798) Construction of SWD NO. 229, TO SERVE FAWN GROVE AT SUNSET LAKES, South of Kellogg, West of Greenwich, as authorized by Resolution No. R-04-160, adopted April 6, 2004, and published April 8, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$377,233.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CJ. (485-267/468-83810) Construction of SWD NO. 231, TO SERVE PRAIRIE POINTE & HAMPTON SQUARE, North of 37th Street North, West of Maize, as authorized by Resolution No. R-04-220, amended by Resolution No. R-04-463, Both rescinded by R-05-294, adopted May 4, 2004 & September 14, 2004 & May 24, 2005, and published May 7, 2004 & September 17, 2004 & May 27, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$360,239.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CK. (485-259/468-83816) Construction of SWS NO. 605, TO SERVE REED'S COVE 3RD ADDITION, East of 127th Street East, South of 21st, as authorized by Resolution No. R-04-269, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$193,314.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CL. (485-262/468-83825) Construction of SWS NO. 607, TO SERVE OAK CLIFF ESTATES ADDITION, North of Maple, West of Maize, as authorized by Resolution No. R-04-288, amended by Resolution No. R-04-579, adopted June 8, 2004 & October 19, 2004, and published June 11, 2004 & January 18, 2005, corrected & republished July 26, 2005. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$42,898.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CM. (485-264/468-83827) Construction of SWS NO. 608, TO SERVE EVERGREEN & TRACT 'A', North of 21st, West of Maize, as authorized by Resolution No. R-04-283, Amended by Resolution No. R-04-446, adopted June 8, 2004 & August 31, 2004, and published June 11, 2004 & September 3, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$150,698.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

CN. (485-281/468-83928) Construction of SWD NO. 244, TO SERVE REMINGTON PLACE 3RD, South of 21st, East of Webb, as authorized by Resolution No. R-04-626, adopted November 23, 2004, and published November 29, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$46,812.00 is to be apportioned 100% payable by the improvement district. The cost has been assessed on a fractional basis.

Agenda Item# 33 REVISED
Revised October 17, 2005

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report # 05-0941

TO: Mayor and City Council Members

SUBJECT: Public Hearing on Proposed Assessments for Forty (40) Paving Projects in February 2006 Bond Sales Series 784 (All Districts)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the proposed assessments and ordinances.

Background: The Council was notified on September 13, 2005 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Analysis: Notice of hearing letters were published September 16, 2005 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing October 3, 2005 at 11:00 a.m. for the paving projects.

Financial Considerations: Statements of Special Assessment will be mailed to the property owners on October 28, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the February 2006 bond sale. The interest added to the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2006 tax roll.

Legal Considerations: These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

Paving Projects		
472-83614	68.40% Petition	Improving 127th Street East, From the North Line of Boxthorn to the North Line of the Fairmont Mosley, 10th & 11th Street
472-83886	58.49% Petition	Improving Eberly Court
472-83950	Ordered In	Improving Elm
472-84020	57.14% Petition	Improving Florence
472-84024	Ordered In	Improving Hoover Court

Recommendation/Action: It is recommended that the City Council close the Public Hearing, approve the proposed assessments and *find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction.*

HEARING ON PROPOSED ASSESSMENTS FOR IMPROVING PAVING PROJECTS

On September 13, 2005, the Council was notified that the proposed assessment rolls for improving of paving projects had been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

PAVING PROJECTS:

A. (490-953/472-83237) IMPROVING DRIFTWOOD, DRIFTWOOD CT., CAPTIVA & SIDEWALKS (East of Meridian, South of 53rd Street North), as authorized by Resolution R-00-205, rescinded by Resolution No. R-03-547, adopted May 9, 2000 & October 21, 2003, and published May 12, 2000 & October 24, 2003, corrected & republished June 23, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$600,569.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

B. (490-015/472-83553) IMPROVING 44TH STREET SOUTH, FLORA, DORIS, FLORA CT., DORIS CT., INCLUDING CUL-DE-SAC & SIDEWALK (North of 47th St. South, East of Hoover), as authorized by Resolution R-02-367, adopted August 6, 2002, and published August 10, 2002. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$383,036.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

C. (490-983/472-83614) IMPROVING 127TH STREET EAST (127th Street East, North of 21st), as authorized by Resolution R-02-413, rescinded by Resolution No. R-04-413, adopted September 17, 2002 & August 17, 2004, and published September 21, 2002 & August 20, 2004,

corrected & republished June 24, 2005. Petition for this improvement was signed by owners representing 68.40% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$117,351.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

D. (490-964/472-83649) IMPROVING RIDGE PORT, CONREY, HAZELWOOD, BROOKVIEW, RIDGE PORT CT., BROOKVIEW CIR. & SIDEWALK (South of 37th Street North, East of Ridge), as authorized by Resolution R-02-490, adopted November 5, 2002, and published November 9, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$588,270.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

E. (490-968/472-83670) IMPROVING PONDEROSA, ALDERNY, AKSARBEN, ALDERNY CT., PONDEROSA CT. INCLUDING THE CUL-DE-SAC & SIDEWALK (South of 13th, West of 135th Street West), as authorized by Resolution R-02-555, rescinded by Resolution No. R- 04-639, adopted December 10, 2002, November 23, 2004, and published December 14, 2002, November 29, 2004 corrected & republished January 10, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$226,852.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

F. (490-991/472-83674) IMPROVING SUNNYBROOK COURT INCLUDING THE CUL-DE-SAC (East of Hillside, South of Pawnee), as authorized by Resolution R-02-562, adopted December 10, 2002, and published December 14, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$67,638.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

G. (490-891/472-83688) IMPROVING WATERFRONT PARKWAY, 13TH STREET, WEBB ROAD (East of Webb, North of 13th St.), as authorized by Resolution R-03-072, rescinded by Resolution No. R-05-260, adopted February 11, 2003, May 10, 2005, and published February 15, 2003, May 13, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$1,730,087.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

H. (490-909/472-83699) IMPROVING LEFT & RIGHT TURN LANES ON 13TH STREET (East of Webb, North of 13th St.), as authorized by Resolution R-03-153, rescinded by Resolution No. R-03-328, rescinded by R - 05-261, adopted March 25, 2003, June 17, 2003, May 10, 2005, and published March 29, 2003, June 20, 2003, May 13, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The

Statement of Cost approved July 12, 2005, in the amount of \$354,712.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

I. (490-910/472-83700) IMPROVING LEFT & RIGHT TURN LANES ON WEBB RD. (North of 13th, East of Webb), as authorized by Resolution R-03-154, rescinded by Resolution No. R-05-262, adopted March 25, 2003, May 10, 2005, and published March 29, 2003, May 13, 2005, corrected & republished June 23, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$381,581.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

J. (490-930/472-83701) IMPROVING TRAFFIC SIGNALIZATION AT WATERFRONT PARKWAY & 13TH ST. NORTH (North of 13th, East of Webb), as authorized by Resolution R-03-155, rescinded by Resolution No. R-05-263, adopted March 25, 2003, May 10, 2005, and published March 29, 2003, corrected & republished April 21, 2003, May 13, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$89,157.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

K. (490-931/472-83702) IMPROVING TRAFFIC SIGNALIZATION AT WATERFRONT PARKWAY & WEBB RD. (North of 13th, East of Webb), as authorized by Resolution R-03-156, rescinded by Resolution No. R-05-264, adopted March 25, 2003, May 10, 2005, and published March 29, 2003, May 13, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$85,583.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

L. (490-985/472-83762) IMPROVING PECKHAM, PECKHAM CIRCLE & PECKHAM COURT (South of 21st, East of 127th Street East), as authorized by Resolution R-03-214, adopted May 6, 2003, and published May 9, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$240,110.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

M. (490-965/472-83778) IMPROVING HARDTNER, HARDTNER CT. INCLUDING THE CUL-DE-SAC & SIDEWALK (West of 135th Street West, South of Central), as authorized by Resolution R-03-258, adopted May 20, 2003, and published May 23, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$232,509.00 is to be

apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

N. (490-972/472-83788) IMPROVING SILVER HOLLOW/BRUSH CREEK, SILVER HOLLOW CT. & BRUSH CREEK CIR. INCLUDING THE CUL-DE-SAC (North of 29th Street North, Between Maize & Tyler), as authorized by Resolution R-03-303, adopted June 10, 2003, and published June 13, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$239,284.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

O. (490-967/472-83804) IMPROVING 35TH ST. SOUTH, 35TH CT. SOUTH INCLUDING THE CUL-DE-SAC & SIDEWALK (West of Maize, South of 31st Street South), as authorized by Resolution R-03-375, adopted July 15, 2003, and published July 18, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$411,457.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

P. (490-920/472-83808) IMPROVING A STREET LIGHTING SYSTEM IN WATERFRONT PARKWAY (North of 13th, East of Webb), as authorized by Resolution R-03-347, rescinded by Resolution No. R-05-265, adopted July 1, 2003, May 10, 2005, and published July 3, 2003, May 13, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$86,095.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Q. (490-938/472-83828) IMPROVING ROSEMONT, ROSEMONT COURTS, MAINSGATE CIRCLE INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 21st, East of 127th Street East), as authorized by Resolution R-03-489, rescinded by Resolution No. R-04-435, adopted September 9, 2003 & August 17, 2004, and published September 12, 2003 & August 20, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$223,656.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

R. (490-951/472-83835) IMPROVING LAKE RIDGE, LAKE RIDGE CT., HAVENHURST CIR. INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 37th Street North, East of Tyler), as authorized by Resolution R-03-476, adopted September 9, 2003, and published September 12, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$336,973.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

S. (490-997/472-83836) IMPROVING LAKE RIDGE, LAKE RIDGE COURT INCLUDING THE CUL-DE-SAC, HAVENHURST & SIDEWALK (North of 37th Street North, East of Tyler), as authorized by Resolution R-03-477, adopted September 9, 2003, and published September 12, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$276,870.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

T. (491-008/472-83865) IMPROVING FACADE AT 809, 811 & 815 W DOUGLAS (South of Douglas, West of McLean), as authorized by Resolution R-03-538, adopted October 21, 2003, and published October 24, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$120,252.00 is to be apportioned 75% payable by the improvement district & 25% payable by the City at Large to the improvement district. The cost has been assessed on a square foot basis.

U. (490-944/472-83866) IMPROVING VICTORIA CT., MONA, ELLIS, VICTORIA, MONA CT. INCLUDING THE CUL-DE-SAC & SIDEWALK (North of 55th St. South, West of Hydraulic), as authorized by Resolution R-03-558, adopted October 21, 2003, and published October 24, 2003, corrected & republished January 15, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$250,742.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

V. (490-950/472-83878) IMPROVING 34TH STREET NORTH, LANG, LAKE RIDGE, LAKE RIDGE CT. , LANG CIR., INCLUDING THE CUL-DE-SACS & SIDEWALK (South of 37th St. North, East of Tyler), as authorized by Resolution R-03-581, adopted November 4, 2003, and published November 7, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$413,228.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

W. (490-966/472-83880) IMPROVING 13TH STREET NORTH (South of 13th, East of 135th St. West), as authorized by Resolution R-03-615, adopted November 18, 2003, and published November 21, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$88,312.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

X. (490-958/472-83886) IMPROVING EBERLY COURT INCLUDING THE CUL-DE-SAC (South of 21st, West of 119th Street West), as authorized by Resolution R-03-589, adopted November 18, 2003, and published November 21, 2003. Petition for this improvement was signed by owners representing 58.49% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$114,174.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Y. (490-943/472-83888) IMPROVING LAKECREST CIR., HAVENHURST, LAKECREST & LAKECREST CT., INCLUDING CUL-DE-SACS (North of 37th St. North, West of Ridge), as authorized by Resolution R-03-600, adopted November 18, 2003, and published November 21, 2003, corrected & republished February 9, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$274,780.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Z. (490-948/472-83898) IMPROVING FALCON, DELLROSE, FALCON CT., DELLROSE CIR. INCLUDING THE CUL-DE-SACS & SIDEWALK (South of 45th St. South, West of Oliver), as authorized by Resolution R-03-660, adopted December 16, 2003, and published December 22, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$195,438.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AA. (491-011/472-83932) IMPROVING FACADE AT 101 SOUTH MARKET (South of Douglas, West of Market), as authorized by Resolution R-03-667, adopted December 30, 2003, and published January 2, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$80,043.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

AB. (490-960/472-83935) IMPROVING THURMAN, SUNCREST AVE., 15TH ST. N., NANTUCKET, SUNCREST CT. INCLUDING THE CUL-DE-SAC & SIDEWALK (East of Tyler, North of 13th), as authorized by Resolution R-04-068, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$285,175.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AC. (490-974/472-83943) IMPROVING CRANBROOK, RUSTY GATE, FREDERIC CIRCLE INCLUDING THE CUL-DE-SAC & SIDEWALK (South of 21st, East of Webb), as authorized by Resolution R-04-132, adopted March 16, 2004, and published March 19, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$530,449.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AD. (490-962/472-83948) IMPROVING 37TH STREET NORTH FROM TYLER ROAD TO RIDGE ROAD (North of Tyler Road to Ridge Road), as authorized by Resolution R-04-057, adopted February 10, 2004, and published February 13, 2004, corrected & republished January 14, 2005, corrected & republished July 13, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$151,956.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AE. (490-978/472-83950) IMPROVING ELM (East of Sheridan, West of Mt. Carmel), as authorized by Resolution R-04-139, adopted April 6, 2004, and published April 8, 2004, corrected & republished March 8, 2005, corrected & republished June 23, 2005. Petition for this improvement was Ordered In. The Statement of Cost approved July 12, 2005, in the amount of \$51,117.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

AF. (490-975/472-83964) IMPROVING 127TH STREET EAST, FROM THE NORTH LINE OF PAWNEE TO THE NORTH LINE OF SIERRA HILLS (North of Pawnee to North of Sierra Hills), as authorized by Resolution R-04-115, rescinded by Resolution No. R-04-517, adopted March 16, 2004 & September 21, 2004, and published March 19, 2004 & October 4, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$186,686.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AG. (490-990/472-83967) IMPROVING HYDRAULIC DRIVE (East of Hydraulic, South of 63rd Street South), as authorized by Resolution R-04-117, rescinded by Resolution No. R-04-345, adopted March 16, 2004 & July 13, 2004, and published March 19, 2004 & July 19, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$157,455.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AH. (490-984/472-83980) IMPROVING FAWN GROVE & LEEANNE CIRCLE INCLUDING THE CUL-DE-SAC (South of Kellogg, West of Greenwich), as authorized by Resolution R-04-162, adopted April 6, 2004, and published April 8, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$315,192.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AI. (491-012/472-83992) IMPROVING FACADE AT 712 W DOUGLAS (North of Douglas, East of Seneca), as authorized by Resolution R-04-175, adopted April 13, 2004, and published April 16, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$17,131.00 is to be apportioned 75% payable by the improvement district & 25% payable by the City At Large to the improvement district. The cost has been assessed on a square foot basis.

AJ. (490-987/472-83994) IMPROVING KINKAID CIRCLE INCLUDING THE CUL-DE-SAC (North of Pawnee, East of Webb), as authorized by Resolution R-04-250, adopted May 18, 2004, and published May 21, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$134,645.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AK. (490-988/472-84020) IMPROVING FLORENCE STREET (South of Harry, West of West Street), as authorized by Resolution R-04-210, adopted May 4, 2004, and published May 7, 2004. Petition for this improvement was signed by owners representing 57.14% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$109,233.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

AL. (490-996/472-84024) IMPROVING HOOVER COURT INCLUDING THE CUL-DE-SAC (South of Harry, West of Hoover), as authorized by Resolution R-04-279, adopted June 8, 2004, and published June 11, 2004. Petition for this improvement was Ordered In. The Statement of Cost approved July 12, 2005, in the amount of \$101,955.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

AM. (490-001/472-84051) IMPROVING SHADE CT. INCLUDING THE CUL-DE-SAC (South of Central, East of Ridge), as authorized by Resolution R-04-312, adopted June 8, 2004, and published June 11, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount

of \$71,890.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

AN. (490-028/472-84117) IMPROVING 51ST STREET NORTH (East of Meridian), as authorized by Resolution R-04-588, adopted November 2, 2004, and published November 19, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 12, 2005, in the amount of \$1,734.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

Agenda Item No. 34

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0942

TO: Mayor and City Council Members

SUBJECT: Improvement to the Intersection of 13th and Mosley (District VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the Project.

Background: The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of 13th and Mosley. District VI Advisory Board sponsored a September 12, 2005 neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

Analysis: The project will provide turn lanes on 13th at Mosley. The traffic signals will be upgraded to provide left turn signal phases at all four approaches to the intersection. Construction is planned for 2006.

Financial Considerations: The estimated project cost is \$1,700,000 with \$800,000 paid by the City and \$900,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Action: It is recommended that the City Council approve the project, place the Ordinance on First Reading and authorize the signing of State/Federal agreements as required.

Agenda Item No. 35

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0943

TO: Mayor and City Council Members

SUBJECT: Improvement to the Intersection of Pawnee and McLean (District IV)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of Pawnee and McLean. District IV Advisory Board sponsored a September 7, 2005 neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

Analysis: The project will reconstruct the intersection to improve the driving surface and drainage. Traffic signals will be upgraded to provide pedestrian indication signals. Construction is planned for 2006.

Financial Considerations: The project budget is \$850,000, which includes \$40,000 previously approved by the City Council for design expenses. The funding source is General Obligation Bonds.

Legal Considerations: The Law Department has approved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project and place the Ordinance on First Reading.

Agenda Item No. 36.

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0944

TO: Mayor and City Council Members

SUBJECT: Improvement to West Street, between Maple and Central (Districts IV & VI)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the design concept and right-of-way acquisition budget.

Background: The 2005-2014 Capital Improvement Program (CIP) includes a project to improve West Street, between Maple and Central. On May 4, 2004, the City Council approved a design budget and design contract with Baughman Company for the preparation of construction plans. On August 2, 2004, District VI Advisory Board sponsored a neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project. On August 4, 2004, District IV Advisory Board sponsored a neighborhood hearing on the project. The Board voted 6-0 to recommend approval of the project.

Analysis: The design concept is to replace the existing pavement on West Street with a new five-lane roadway, with four through lanes and a center two-way left turn lane. The traffic signals at the West Street/Douglas and West Street/2nd intersections will be upgraded. A new storm water sewer will be installed. An authorizing Ordinance has been prepared to increase the design budget to include funding to begin acquisition of required right-of-way. The project will be returned to the City Council for final approval before construction.

Financial Considerations: The existing design budget is \$230,000. The 2006 CIP includes \$2,000,000 for right-of-way acquisition for a total budget of \$2,230,000. The funding source is General Obligation Bonds.

Legal Considerations: The authorizing Ordinance has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the design concept, approve the right-of-way acquisition project and place the Ordinance on first reading.

SUPPLEMENTAL AGREEMENT

TO THE

AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 22, 2003

BETWEEN

THE CITY OF WICHITA, KANSAS

PARTY OF THE FIRST PART, HEREINAFTER CALLED THE

"CITY"

AND

COOK, FLATT & STROBEL ENGINEERS, P.A.

PARTY OF THE SECOND PART, HEREINAFTER CALLED THE

"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 22, 2003) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to the OLIVER STREET BRIDGE AT GYPSUM CREEK (Project No. 472 83746, OCA #715694).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

CONSTRUCTION ENGINEERING

(as per the City of Wichita Standard Construction Engineering Practices)

OLIVER STREET BRIDGE AT GYPSUM CREEK

(Project No. 472 84184, OCA No. 715703)

B. PAYMENT PROVISIONS

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on an hourly basis, with a maximum fee not to exceed \$59,555.00.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2005.

BY ACTION OF THE CITY COUNCIL

Carlos Mayans, Mayor

ATTEST:

Karen Schofield, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

COOK, FLATT AND STROBEL ENGINEERS, P.A.

(Name and Title)

ATTEST:

Agenda Item No. 37

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0945

TO: Mayor and City Council Members

SUBJECT: Pawnee Improvement, between a point approximately 650' west of
Palisade and Broadway (District III)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendations: Approve the project.

Background: The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Pawnee, between a point approximately 650' west of Palisade and Broadway. District III Advisory Board sponsored a February 2, 2005 neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

Analysis: The project will reconstruct Pawnee to provide four through lanes and a center two-way left turn lane. A new storm water sewer will be constructed. The available right-of-way will be landscaped. Construction is planned for 2006.

Financial Considerations: The estimated project cost is \$1,700,000 with \$500,000 paid by the City and \$1,200,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Legal Considerations: The Law Department has proved the authorizing Ordinance as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the project, place the Ordinance on First Reading and authorize the signing of State/Federal agreements as required.

Agenda Item No. 38

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0946

TO: Mayor and City Council (Districts I, II, III, IV, V, VI)

SUBJECT: Buffer Zone Protection Plan Program – BZPPP Grant

INITIATED BY: Police Department

AGENDA: New Business

Recommendation: Accept the award.

Background: As part of the national effort to protect critical infrastructure assets, the Department of Homeland Security is assisting state and local authorities, as well as private industry, in developing Buffer Zone Protection Plans. The purpose of protective measures planning is to develop effective preventive measures that make it more difficult for terrorists to conduct surveillance or launch attacks from the immediate vicinity of critical infrastructure. Following the President's direction, the Department of Homeland Security is working closely with key public and private sector entities to ensure the strategy is implemented to secure the United States from terrorist threats or attacks. Submission of completed Buffer Zone Protection Plans to the Department of Homeland Security for sites that appear on the National Critical Infrastructure List result in a grant award for the site up to \$50,000.

Analysis: In the spring of 2005, the Department of Homeland Security, the State of Kansas Vulnerability Assessment Team, and local officials completed Buffer Zone Protection Plans on sites in Wichita that appeared on the National Critical Infrastructure List. Two of these sites are Century II and the Wichita Water Treatment Plant. As part of the Buffer Zone Protection Plan,

vulnerabilities were identified and suggestions were made to the Department of Homeland Security to correct these vulnerabilities. Each location received approval to proceed with security enhancements. The City of Wichita was notified on August 15, 2005 that 100 percent non-matching Critical Infrastructure Protection Grant awards totaling \$99,863 were available for completion of the work. The City must accept the grants to move forward with expenditure and reimbursement.

Financial Considerations: The City of Wichita will be reimbursed for Critical Infrastructure Protection Grant expenses up to \$99,863 from the Department of Homeland Security.

Legal Considerations: None

Recommendations/Actions: Accept Department of Homeland Security Buffer Zone Protection Grants.

AGENDA ITEM # 39

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report # 05-0947

TO: Mayor and City Council

SUBJECT: Purchase of Park Land (District II)

INITIATED BY: Department of Park and Recreation

AGENDA: New Business

Recommendations: Approve the purchase.

Background: On July 19, 2005 the Council adopted the 2005 – 2014 Capital Improvement Program (CIP). The CIP includes projects for parkland requisition and Police substation construction/relocation.

Analysis: Both the Park and Police projects anticipated the need for land acquisition. Recently, a parcel of approximately 14.4 acres has become available in east Wichita, in the vicinity of Central and Greenwich Road. This District is very underserved by parkland and open areas, and the site availability provides an opportunity to preserve natural habitat, as well as provide open space for recreational activities. Even with a shared use of the land, it will add significantly to the quality of life for the residents living adjacent to the proposed park.

Due to the site's proximity to Kellogg and K-96, as well as the arterial street network, this site may be a good location for a future Police facility. Using the public safety projects to finance the land purchase will assure a potential future site for such a facility.

Financial Considerations: The estimated cost of the land is \$1.125 million, including closing costs and associated fees. The CIP includes funding for parkland in 2005 and 2006, and for Police substations in 2006. Funding for the land purchase is proposed at \$500,000 from the Park project and \$625,000 from the Police project, for a total project budget of \$1.125 million.

Legal Considerations: The Law Department has approved the bonding resolution as to legal form.

Recommendation/Actions: It is recommended that the City Council approve the land purchase, adopt the bonding resolution, authorize the budget transfers, and authorize necessary signatures.

Agenda Item No. 40

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0948

TO: Mayor and City Council

SUBJECT: ZON2004-00061 – Zone change from “SF-5” Single-family Residential to “MF-18” Multi-family Residential with a Protective Overlay District to provide additional screening, buffering, height restrictions and an approved site plan. Generally located on the northwest corner of the 1st Street – McComas Avenue intersection, one block east of West Street and one block north of Douglas Avenue. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (non-consent)

MAPC Recommendations: Approve, subject to conditions (13-0).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Approve, subject to conditions (10-0).

Background: The applicants' 1.06-acre unplatted tract is zoned "SF-5" Single-family Residential. There was a single story, brick, single-family residence (built in 1950) on the subject site. The applicants are requesting a zoning change to "MF-18" Multi-family Residential to allow the subject site to be redeveloped with triplexes or apartments.

The abutting and adjacent properties to the east and north of the subject site are zoned "SF-5" and are developed as single-family residences, built primarily from the late 1950s to the mid 1960s. Properties southeast of the subject site are zoned "TF-3" Two-family Residential and are developed primarily as single-family residences, built in the 1920s and 1930s, and duplexes built in the late 1960s to the mid 1970s. The abutting property west of the subject site is zoned "LC" Limited Commercial and was developed in the late 1990s as a contractors warehouse, office and yard. This "LC" site has access and frontage onto West Street, a commercial corridor. Properties south and southwest of the site are zoned "B" Multi-family Residential and "LC" and are developed as story and a half apartments, built in the early 1970s. The applicants own these apartments.

Analysis: The applicants had originally requested a zone change to "MF-29" Multi-family Residential, which would allow up to 29 dwelling units per acre, and a building height up to 45 feet. DAB VI considered the request at their December 15, 2004 meeting and recommended denial of the requested "MF-29" zoning. The DAB found the density of the "MF-29" zoning out of character with the surrounding area, and recommended approval (8-0) of "MF-18" Multi-family Residential zoning with a Protective Overlay that would limit the development to no more than 9 dwelling units with a maximum structural height of 35-feet (the MF-18 district permits building height up to 45 feet). No member of the public was in attendance at the DAB meeting to speak against the requested zoning change.

The MAPC considered this case at their December 23, 2004 meeting. During this meeting, the applicant advised the MAPC that they would agree to the "MF-18" zoning, but requested that the number of units allowed on the site be per the "MF-18" zoning district and not the DAB's recommendation of no more than 9 units. The applicants also requested that the maximum structural height be the 45-feet allowed in the "MF-18" zoning district rather than the DAB's recommended maximum structural height of 35-feet. The MAPC approved (11-0) the zone change to "MF-18" (without the DAB recommended 35-foot height restriction), subject to the property being platted within a year. One person spoke in opposition to the zoning change at the meeting citing concerns with increased noise and concern for loss of property value if the request were to be approved. Staff received two written protests against the requested zoning change that represents less than 20% of the protest land area.

At its regular meeting on February 1, 2005, the Wichita City Council considered the request. The action of the City Council was to return the application to the MAPC and the DAB for reconsideration. The City Council directed the applicant to provide a site plan that accurately depicts the proposed multi-family development.

At the DAB VI meeting on July 20, 2005, the applicant provided a detailed site plan showing the proposed development for the "MF-18" zoning. The DAB and the applicant agreed to a

Protective Overlay, that basically was reflected in the site plan provided by the applicant, including a 35-foot maximum structural height and to provide extra parking within the south portion of the site. DAB VI recommended approval (11-0) of the requested “MF-18” zoning, subject to platting within a year, with a maximum height of 35-feet, additional parking and an approved site plan that would be reflected in a Protective Overlay. No one spoke in opposition to the proposed zone change at the DAB meeting.

At the MAPC meeting on July 28, 2005, the MAPC recommended approval of the “MF-18” zoning, subject to the following provisions of Protective Overlay #159:

1. The property shall be platted within one year of approval.
2. A site plan approved by the Planning Director and incorporating the Protective Overlay conditions shall be completed prior to recording of the plat.
3. Maximum height (as defined by the UZC) of the buildings shall be 35 feet for all structures.
4. An additional 5 parking spaces shall be provided.
5. Solid screening, 6 to 8 feet tall, shall be required along the north and east sides of the site where it adjoins properties zoned “SF-5”.
6. Solid screening shall be provided around all dumpsters; all dumpsters must be located a minimum of 20 feet from the “SF-5” zoning districts.
7. Outside pole lighting shall be no taller than 14 feet in height including the poles, light fixtures and base, and be placed within the interior circulation landscape island. No exterior lighting on the rear of the multi-family units shall be placed higher than the 1st story.
8. Landscaping shall consist of a 20-foot buffer with a minimum of one shade tree or two ornamental trees every 40 lineal feet planted within the buffer, but outside all utility easements along the north and east sides of the site, a landscaped street yard and parking lot landscaping and screening per the Landscape Ordinance. The landscape plan shall be approved prior to the issuance of a building permit.

No spoke in opposition to the zoning change at the July 20, 2005 MAPC meeting and no phone calls were received protesting the proposed zone change. There are still on record, from the initial December 23, 2004 MAPC meeting, two written protests against the requested zoning change that represent less than 20% of the protest land area.

Financial Considerations: None

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department

Recommendation/Actions:

1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or

2. Deny the application (simple majority required).

(150004) Published in The Wichita Eagle on _____
ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF WICHITA, KANSAS

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2004-00061

Request for zone change from “SF-5” Single-Family Residential to “MF-18” Multi-family Residential on property described as:

A tract in the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section Twenty-four (24), Township Twenty-seven (27) South, Range One (1) West of the 6th P.M., Sedgwick County, Kansas, described as follows: Beginning at a point 660 feet South and 431 feet East of the Northwest corner of the Southwest Quarter (SW/4) of said Section Twenty-four (24); thence North parallel to the West line of said Quarter Section 210 feet; thence East parallel to the North line of said Quarter Section, a distance of 220 feet; thence South 210 feet; thence West 220 feet to the Point of Beginning. Generally located on the northwest corner of the 1st Street – McComas Avenue intersection, one block east of West Street and one block north of Douglas Avenue. (District VI)

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #159:

9. The property shall be platted within one year of approval.
10. A site plan approved by the Planning Director and incorporating the Protective Overlay conditions shall be completed prior to recording of the plat.
11. Maximum height (as defined by the UZC) of the buildings shall be 35 feet for all structures.
12. An additional 5 parking spaces shall be provided.
13. Solid screening, 6 to 8 feet tall, shall be required along the north and east sides of the site where it adjoins properties zoned “SF-5”.
14. Solid screening shall be provided around all dumpsters; all dumpsters must be located a minimum of 20 feet from the “SF-5” zoning districts.

15. Outside pole lighting shall be no taller than 14 feet in height including the poles, light fixtures and base, and be placed within the interior circulation landscape island. No exterior lighting on the rear of the multi-family units shall be placed higher than the 1st story.

16. Landscaping shall consist of a 20-foot buffer with a minimum of one shade tree or two ornamental trees every 40 lineal feet planted within the buffer but outside all utility easements along the north and east sides of the site, a landscaped street yard and parking lot landscaping and screening per the Landscape Ordinance. The landscape plan shall be approved prior to the issuance of a building permit.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

Carlos Mayans, Mayor
ATTEST:

Karen Sublett, City Clerk

(SEAL)
Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item # 41

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report # 05-0949

TO: Mayor and City Council Members

SUBJECT: SUB 2004-122 -- Plat of Dorothy Addition, Located South of 31st Street South and on the East Side of West Street. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of two lots on 8.4 acres, is located within Wichita's city limits. A zone change (ZON 2002-03) from SF-5, Single-Family Residential District to LC, Limited Commercial District and GO, General Office District has been approved. The Dorothy Community Unit Plan (CUP 2002-02, DP-258) was also approved for this site. A CUP Certificate was submitted identifying the approved CUP and its special conditions for development on this property.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions were submitted for sewer, traffic signalization, paving and drainage improvements. A Restrictive Covenant was submitted to provide ownership and maintenance of the reserves being platted for drainage purposes. A Declaration of Easement (Cross-lot Circulation Agreement) was also submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Consideration: None.

Legal Considerations: The CUP Certificate, Certificate of Petitions, Restrictive Covenant and Declaration of Easement will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance.

(150004) Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2002-03

A zone change request from SF-5, Single-Family Residential District to LC, Limited Commercial District, described as:

Lot 1, Block 1, Dorothy Addition, Wichita, Sedgwick County, Kansas; AND

A zone change request from SF-5, Single-Family Residential District to GO, General Office District, described as:

Lot 2, Block 2, Dorothy Addition, Wichita, Sedgwick County, Kansas.

Generally located south of 31st Street South and on the east side of West Street.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____ 2005.

ATTEST:

Karen Sublett, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item # 42

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report # 05-0950

TO: Mayor and City Council Members

SUBJECT: SUB 2005-57 -- Plat of Lillie Addition, Located South of Maple and on the West side of Maize Road. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of three lots on 3.62 acres, and is located within Wichita's city limits. A zone change (ZON 2005-23) from SF-5, Single-Family Residential District to GO, General Office District has been approved. The site is subject to the Lillie Office Park Community Unit Plan (CUP 2005-28/DP-286). A Notice of Community Unit Plan (CUP) Certificate has been submitted.

Analysis: Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer, water main and pavement improvements. A Restrictive Covenant has been submitted to allow the creation of a Lot Owner's Association that will provide for the ownership and maintenance of the reserves being platted for drainage purposes. In order to guarantee the closure of driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate has been submitted. A Cross-lot Access and Easement has also been submitted to assure internal vehicular movement between the lots.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Financial Consideration: None.

Legal Considerations: The CUP Certificate, Certificate of Petitions, Restrictive Covenant, Drive Approach Closure Certificate and Cross-lot Access and Easement will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance.

(150004) Published in The Wichita Eagle on _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2005-23

Zone change request from SF-5, Single-Family Residential District to GO, General Commercial District, described as:

Lots 1-3, Block A, and Reserves A, B and C, Lillie Addition, Wichita Sedgwick County, Kansas.

Generally south of Maple and on the west side of Maize Road.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this _____ day of _____ 2005.

ATTEST:

Karen Sublett, City Clerk

Carlos Mayans, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 43

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0951

TO: Mayor and City Council

SUBJECT: PUD2005-00003 – The Creation of the WaterWalk Planned Unit
Development
(District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendations: Approve, subject to staff recommendations, vote 12-0.

MAPD Staff Recommendations: Approve, subject to completing the plat within one year.

DAB Recommendations: Not applicable.

Background: The applicants are seeking the creation of the WaterWalk Panned Unit Development district (PUD2005-00003) that is intended to promote the redevelopment of 29 acres located south of Waterman/Lewis streets, west of Main Street, north of Kellogg and east of the Arkansas River. The site was originally developed under multiple private ownerships beginning early in this community's history. The Central Business District, Limited Industrial and General Commercial zoning that was established for this area allowed a wide variety of urban land uses to be developed. Over time, many of those uses and the buildings housing those uses became economically marginal, resulting in lower levels of maintenance and re-investment.

In 1989, the community adopted the Development Plan for Downtown Wichita, a downtown master plan that envisioned the revitalization and/or redevelopment of the City's core area, including the application area. To implement the downtown development plan, the City instituted the "core area initiative," and gained control of the application area, cleared the site and entered into a public-private partnership agreement with the WaterWalk developers so the site could be rebuilt into a mixed-use development. Under the terms of the developer's agreement, the City is to retain ownership of the land and provide certain public improvements, such as streets and utilities, while the developer is to attract new tenants and construct the private improvements called for in the developer's agreement. It is anticipated that, when completed, the project will provide a unified built environment that will offer opportunities for high quality residential and employment opportunities as well as new destination shopping and entertainment venues.

The PUD design statement includes development standards dealing with: land use, architectural controls, screening, signage, access control and parking. The applicant proposes to use the CBD Central Business District development standards except where modified by the proposed PUD development standards. (The CBD District does not have any minimum standards for: lot width, front, rear or street side setbacks or building height. Minimum interior side yard setbacks can also be zero feet, but if a setback is provided, it must be at least five feet.)

For specific land use controls within the PUD, see Section III, first sentence of the Design Statement, and Sections III-11 and 12. The first sentence of Section III indicates that CBD development standards will be used in the absence of specific standards contained in the PUD. Section III-11 states that minimum lot area, lot width and maximum building height standards are per CBD district standards. Section III-12 lists approximately 42 land uses that are prohibited, such as: general manufacturing, outdoor storage, warehousing, adult entertainment and animal care, general.

Section III-8 deals with architectural controls, which apply to all parcels except Parcel 2. Parcel 2 is exempt from the controls since it is already developed with a building exhibiting an architectural style that the rest of the development most likely will not want to replicate. The proposed architectural controls require buildings to share similar architectural design with respect to materials, colors and roofing materials. The proposal also requires facades facing a street to have some form of architectural feature such as columns, pilaster, windows or changes in plane that eliminates extensive blank walls.

Section III-7 requires roof mounted heating, air conditioning and mechanical equipment located within 150 feet of residential zoning or public right-of-way to be screened.

Section III-9 deals with signage. The proposed PUD states that CBD sign code requirements are to define signage standards unless modified by the PUD. The PUD allows a project title sign at Main and Waterman streets that is 35 feet high, and up to 460 square feet in area. Additional project title and directory signs located on Main, near Dewey, and at Lewis near Wichita Street, 16 feet tall, and up to 120 square feet would be permitted. Ground mounted directional signs would also be permitted, up to seven feet tall and up to 20 square feet in area. Individual businesses would be allowed ground-mounted signage up to 100 square feet in area, and up to 12 feet in height. Total ground signage area for any street frontage shall not exceed .8 times the frontage, and ground signage may be spaced within 60 feet of another ground sign. No off-site, portable or billboard signs are permitted, however, electronic message boards promoting events or businesses located within the project will be allowed. These signs may be roof mounted and will require administrative review and approval.

Section III-15 deals with parking. Parking is to be jointly provided by the developer and the city. The minimum number of spaces required is to be established at the time each use or building is established.

The submitted site plan proposes three parcels. Parcel One is the Gander Mountain site located north of Kellogg, between the Arkansas River and realigned Wichita Street. Gander Mountain has a building footprint of 113,764 square feet. A second building with approximately 16,995 square feet is also anticipated on Parcel One. Parcel One also provides for outdoor display of merchandise offered for sale by Parcel 1 tenants.

Parcel Two is the existing “Boathouse” located south of Lewis Street, between the river and Wichita Street. Since parking is to be jointly provided by the developer and the city, the Boathouse is included in the PUD to ensure that adequate parking will be available when the boathouse reopens.

Parcel Three is comprised of five blocks located south of Waterman Street, between Wichita and Main streets. Two of the blocks, located south of Dewey Street and east of Wichita have been developed with parking structures. The remaining parcels are currently vacant.

The Design Statement does not contain language dealing with kiosks. The applicant would like to be able to locate kiosks at various locations within the development. Recommended language addressing this issue is: "Kiosks may be located in public right-of-way after obtaining a minor street permit and with the approval of the Superintendent of Central Inspection and the City Engineer."

Analysis: The Metropolitan Area Planning Commission (MAPC) reviewed this case on August 25, 2005. No one appeared to speak in opposition to the request. The MAPC voted 12-0 to recommend approval subject to the conditions contained in the Planned Unit Design statement and completion of the plat within one year.

Financial Considerations: Not applicable.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve PUD2005-00003 subject to the conditions contained in the design statement and completion of platting with one year; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

(150004) Published in The Wichita Eagle on _____
ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-

C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. PUD2005-00003

The creation of the WaterWalk Planned Unit Development, on property described as:

A tract of land lying in the Southeast Quarter, Section 20, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, and being particularly described as follows:

COMMENCING at the Southeast Corner of said Southeast Quarter (SE/4);

THENCE North 00°01'16" East, along the East line of said Southeast Quarter (SE/4), a distance of 298.92 feet, to a point along the South Right-of-Way line of Dewey Avenue;

THENCE North 89°56'29" West, along said South Right-of-Way line, a distance of 791.87 feet, to a point on the West Right-of-Way line of Main Street;

THENCE North 00°00'13" West, along said West Right-of-Way line, a distance of 23.95 feet to the POINT OF BEGINNING;

THENCE North 45°00'13" West, a distance of 35.36 feet;

THENCE South 89°59'47" West, a distance of 90.00 feet;

THENCE along a curve to the Left, having a radius of 70.00 feet, a central angle of 20°55'29", a chord bearing of South 79°32'02" West, a chord distance of 25.42 feet, and arc length of 25.56 feet;

THENCE South 00°00'13" East, a distance of 169.50 feet;

THENCE North 87°20'22" West, a distance of 70.80 feet to a point on the North Right of Way line of U.S. Highway No. 54 (Kellogg);

THENCE along said North Right of Way line for the following five (5) courses:

1. South 89°36'30" West, a distance of 135.73 feet;
2. Along a curve to the Left, having a radius of 1,300.00 feet, a central angle of 08°46'58", a chord bearing of South 85°13'01" West, a chord distance of 199.08 feet, and arc length of 199.27 feet;
3. South 80°49'32" West, a distance of 250.76 feet;
4. Along a curve to the Right, having a radius of 1,300.00 feet, a central angle of 05°07'54", a chord bearing of South 83°23'29" West, a chord distance of 116.40 feet, and arc length of 116.44 feet;
5. South 85°57'26" West, a distance of 109.39 feet to the Left High Bank of the Arkansas River;

THENCE North 01°37'23" East, a distance of 239.64 feet;

THENCE North 03°47'57" West, a distance of 235.18 feet;

THENCE North 89°59'47" East, a distance of 235.90 feet;

THENCE North 00°00'54" East, a distance of 204.75 feet;

THENCE along a curve to the left, having a radius of 30.00 feet, a central angle of 50°26'13", a chord bearing of North 25°12'12" West, a chord distance of 25.56 feet, and arc length of 26.41 feet;

THENCE North 50°25'19" West, a distance of 34.26 feet;

THENCE along a curve to the left, having a radius of 30.00 feet, a central angle of $90^{\circ}34'54''$, a chord bearing of South $84^{\circ}17'14''$ West, a chord distance of 42.64 feet, and arc length of 47.43 feet;

THENCE South $38^{\circ}59'47''$ West, a distance of 47.48 feet;

THENCE on a non tangent curve to the right, having a radius of 145.00 feet, a central angle of $39^{\circ}16'00''$, a chord bearing of South $58^{\circ}36'53''$ West, a chord distance of 97.44 feet, and arc length of 99.37 feet;

THENCE South $78^{\circ}14'53''$ West, a distance of 42.07 feet;

THENCE North $11^{\circ}45'07''$ West, a distance of 96.56 feet;

THENCE North $78^{\circ}14'53''$ East, a distance of 37.40 feet;

THENCE along a curve to the left, having a radius of 68.44 feet, a central angle of $40^{\circ}29'00''$, a chord bearing of North $58^{\circ}00'23''$ East, a chord distance of 47.36 feet, and arc length of 48.36 feet;

THENCE on a non tangent curve to the left, having a radius of 30.00 feet, a central angle of $51^{\circ}46'00''$, a chord bearing of North $15^{\circ}00'39''$ East, a chord distance of 26.19 feet, and arc length of 27.11 feet;

THENCE on a reverse curve to the right, having a radius of 100.00 feet, a central angle of $99^{\circ}46'05''$, a chord bearing of North $39^{\circ}00'41''$ East, a chord distance of 152.95 feet, and arc length of 174.13 feet;

THENCE on a reverse curve to the left, having a radius of 30.00 feet, a central angle of $49^{\circ}53'02''$, a chord bearing of North $63^{\circ}57'12''$ East, a chord distance of 25.30 feet, and arc length of 26.12 feet;

THENCE North $39^{\circ}00'41''$ East, a distance of 306.56 feet, to a point on the South Right-of-Way line projected West of Waterman Street;

THENCE South $89^{\circ}56'29''$ East, a distance of 648.00 feet, to a point on the West Right-of-Way line of Main Street;

THENCE South $00^{\circ}00'13''$ East, a distance of 919.05 feet; to the POINT OF BEGINNING.
Said tract of land containing 963,439.011 square feet or 22.1175 acres, more or less.

Together with a tract of land lying in the Southeast Quarter, Section 20, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, and being particularly described as follows:

COMMENCING at the Southwest Corner of said Southeast Quarter (SE/4);

THENCE North $88^{\circ}53'59.20''$ East, along the South line of said Southeast Quarter (SE/4), a distance of 200.00 feet;

THENCE North $00^{\circ}49'9.63''$ West, a distance of 133.99 feet to a point on the North Right of Way line of U.S. Highway No. 54 (Kellogg);

THENCE North $01^{\circ}37'23''$ East, a distance of 239.64 feet;

THENCE North $03^{\circ}47'57''$ West, a distance of 235.18 feet; to the POINT OF BEGINNING;

THENCE North $89^{\circ}59'47''$ East, a distance of 235.90 feet;

THENCE North $00^{\circ}00'54''$ East, a distance of 204.75 feet;

THENCE along a curve to the left, having a radius of 30.00 feet, a central angle of $50^{\circ}26'13''$, a chord bearing of North $25^{\circ}12'12''$ West, a chord distance of 25.56 feet, and arc length of 26.41 feet;

THENCE North $50^{\circ}25'19''$ West, a distance of 34.26 feet;

THENCE along a curve to the left, having a radius of 30.00 feet, a central angle of 90°34'54", a chord bearing of South 84°17'14" West, a chord distance of 42.64 feet, and arc length of 47.43 feet;

THENCE South 38°59'47" West, a distance of 47.48 feet;

THENCE on a non tangent curve to the right, having a radius of 145.00 feet, a central angle of 39°16'00", a chord bearing of South 58°36'53" West, a chord distance of 97.44 feet, and arc length of 99.37 feet;

THENCE South 78°14'53" West, a distance of 42.07 feet;

THENCE South 00°45'44.29" East, a distance of 149.27 feet; to the POINT OF BEGINNING.

Said tract of land containing 47653.06 square feet or 1.09 acres, more or less,

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, _____

Carlos Mayans - Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

Agenda Item No. 44

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0952

TO: Mayor and City Council

SUBJECT: CON2005-00028 – Conditional Use to permit a nursery and garden center on Center on property zoned “LC” Limited Commercial. Generally located on the northeast corner of Kellogg Drive and Bonnie Brae. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning

MAPC Recommendations: Approved, vote (9-2).

MAPD Staff Recommendations: Approved subject to conditions.

DAB Recommendations: August 1, 2005, the District II Advisory Board moved to recommend that CON2005-28 be approved subject to the conditions recommended by MAPD staff and subject to satisfactory resolution of issues and concerns noted by the Bonnie Brae Neighborhood Association. The Board further requested a progress report on the resolution of these concerns at the next meeting. Motion passed 6-0. Progress report presented September 19, 2005; no official action taken, but applicant was requested to discuss screening fence with adjacent property owner. DAB II (10-0) voted to approve subject to staff recommendation with clarification of fence height between 7 and 8 feet for western 220’ of the property line.

Background: The applicant is requesting a Conditional Use to expand an existing nursery and garden center business, Nature’s Way, westward to Bonnie Brae Street from its current operation on the north side of Kellogg Drive and west of Gypsum Creek. The property is zoned “LC” Limited Commercial. The existing Conditional Use (CON2003-00030) was approved for the adjoining property two years ago. It has a retail building plus some outdoor display area and parking spaces to the east and north of the building. Nature’s Way was relocated to this site due to acquisition of its former site by the City of Wichita for Kellogg freeway construction.

The expansion would include an outdoor display and storage/work area to the west of the retail building, additional parking and an additional smaller building. According to the lessee, the second building could be used for indoor storage or perhaps leased to another tenant for retail or restaurant uses. The leasing to another tenant would be an allowable use with the current “LC” zoning so long as adequate parking spaces for the additional use was available, and so long as Nature’s Way had adequate display/storage space on the remaining property.

The expansion site is located on the north side of Kellogg Drive and east of Bonnie Brae Street, which is a dead-end street extending 100 feet north of Kellogg Drive. A hotel is located west of the site, and Bonnie Brae, a single-family residential neighborhood, is located north of the site.

The site plan submitted with the application included an outdoor display space of approximately 5,440 square feet that occupied all the area between the existing Nature’s Way retail building and the vacant building to the west and a strip of parking between the display area and Kellogg

Drive. However, the owner of Nature's Way has indicated that he would like to modify this site plan to make the display area more compact. The revised site plan would leave sufficient room for a single row of parking along the northern edge of the property, allow a double row of parking between the new display area and the vacant building to the west, but eliminate parking between the display area and Kellogg Drive. Total amount of parking available would be 74, including 38 additional parking spaces on the expansion site (CON2005-00028) to add to the 36 spaces shown on the original site (CON2003-00030). The Nature's Way retail and outdoor display and storage would require about 55 spaces to meet its parking requirements. This leaves a balance of about 19 spaces to accommodate additional uses in the vacant building near Bonnie Brae Street. General retail use of the building would absorb all the additional parking. Restaurant use would require more parking than is available onsite.

The applicant proposes a wrought iron fence that is six feet in height to enclose the outdoor display and storage space. Landscaping is shown along Kellogg Drive and buffer trees are located along the northern property line. Also, an existing six-foot wood fence is located along the northern property line.

The Unified Zoning Code contains 11 Supplementary Use Regulations (see attached) for outdoor nurseries and garden centers located on property zoned "LC" Limited Commercial. The applicant proposes a modification to one of the Supplementary Use Regulations. Section III-D.6.z(3) requires a 25-foot setback from public right-of-way for the outdoor display area; however, the applicant proposes a setback of 20 feet for the outdoor display area. A Supplementary Use Regulation can be modified by the City Council upon receiving a favorable recommendation from the MAPC. Planning staff recommends the proposed modification of this requirement for the fenced display area since the fence will ensure the display does not extend to the right-of-way and since other relocation projects along Kellogg Drive have been granted relief on landscaping/setback type of requirements due to the right-of-way acquisition impacts.

Analysis: At the DAB II Advisory Board meeting held August 1, 2005, DAB II recommended that CON2005-00028 be approved (6-0) subject to the conditions recommended by MAPD staff and subject to satisfactory resolution of issues and concerns noted by the Bonnie Brae Neighborhood Association. The Board also requested a progress report on resolution of concerns at the next DAB II meeting. At the DAB II meeting held September 19, 2005, staff reported that parking lot lights on the existing Conditional Use site (CON2003-30) had been adjusted to avoid shining onto adjacent residential properties and the lights had been reduced to 14 feet in height on the CON2005-28 site; music was not being played so as to be heard by the neighbors, and the dumpster and outdoor storage of materials were relocated to the screened outdoor display/work and storage areas. The resurfacing of the parking lot and installation of landscaping was scheduled for installation. The height of the screening fence along the west end of the CON2005-28 remained as a concern. Since the DAB II meeting on September 19, 2005, the applicant has agreed to construct approximately 200 feet of the fence on the north property line to a height of between 7 feet and 7'10". DAB II (10-0) voted to approve subject to staff recommendation with clarification of fence height between 7 and 8 feet for western 220 feet of the north property line.

At the MAPC meeting held August 10, 2005, MAPC voted (9-2) to approve subject to conditions recommended in the staff report.

Financial Considerations: None.

Legal Considerations: The resolution has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC and approve the Conditional Use request subject to the recommended conditions; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-third majority vote of the City Council on the first hearing.)

RESOLUTION No. _____

A RESOLUTION AUTHORIZING A CONDITIONAL USE FOR A NURSERY AND GARDEN CENTER ON 0.83 ACRES ZONED "LC" LIMITED COMMERCIAL, LOCATED AT THE NORTHEAST CORNER OF KELLOGG DRIVE AND BONNIE BRAE IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use for a nursery and garden center on 0.83 acres zoned "LC" Limited Commercial legally described below:
Case No. CON2005-00028

A Conditional Use for a nursery and garden center on 0.83 acres zoned "LC" Limited Commercial described as:

Parcel 1: A tract of land lying within Lot 1, Ruth 2nd Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Beginning at a point on the East line of said Lot 1, a distance of 98.81 feet north of the Southeast corner thereof, said point being on the North right-of-way line of US 54 Highway; thence along said right-of-way line S 89 degrees 24'09" W, a distance of 139.61 feet to a point on the West line of said Lot 1; thence northeasterly along said West line on a curve to the right having a radius of 598.20 feet and a chord which bears N 11 degrees 31'16" E, a distance of 41.80 feet, an arc distance of 41.81 feet to the

Northwest corner of said Lot 1; thence along said North line N 89 degrees 14'20" E, a distance of 130.53 feet (measured), S 89 degrees 51'30" E, 130.75 (platted) to the Northeast corner of said Lot 1; thence along the East line of said Lot 1, S 01 degrees 00'57" E (measured) S 00 degrees 04' E (platted), a distance of 41.24 feet to the point of beginning.

Parcel 2: A tract of land lying within Lot 1, Dry Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Beginning at a point on the East line of said Lot 1, a distance of 100.31 feet north of the Southeast corner thereof, said point being on the North right-of-way line of US 54 Highway; thence along said right-of-way line S 89 degrees 24'09" W, a distance of 174.42 feet to a point on the West line of said Lot 1, said point being 100.81 feet north of the Southwest corner of said Lot 1; thence along said West line, N 01 degrees 00'57" W, a distance of 41.24 feet; thence continuing along said West line, N 04 degrees 49'58" E, a distance of 8.08 feet (measured), 8.04 feet (platted); thence continuing along said West line, N 89 degrees 24'38" E, a distance of 18.18 feet (measured), 18.20 feet (platted); thence continuing along said West line, N 01 degrees 00' 57" W, a distance of 91.98 feet (measured), 92.00 feet (platted) to the Northwest corner of said Lot 1; thence along the North line of said Lot 1, N 89 degrees 15'16" E, a distance of 155.37 feet (measured), 155.40 feet (platted) to the Northeast corner of said Lot 1; thence along the East line of said Lot 1, S 01 degrees 02'05" E, a distance of 141.67 feet to the point of beginning.

Parcel 3: That part of Lot 2, Ruth Addition to Wichita, Sedgwick County, Kansas, described as beginning 174.4 feet west and 150 feet north of the Southeast corner of said Lot 2; thence West parallel to the South line of said Lot 2 to the East line of Bonnie Brae Street; thence northeasterly along the East line of Bonnie Brae street to the Northwest corner of said Lot 2; thence east along the North line of said Lot 2 to a point 164.4 feet west of the Northeast corner of said Lot; thence south to the point of beginning; TOGETHER WITH beginning at a point established as follows: From the Southeast corner of Lot 2, in Ruth Addition to Wichita, Kansas, Sedgwick County, Kansas, measure right along the South line of said Lot, 174.4 feet; thence north parallel to the East line of said Lot, 150 feet west; thence northeasterly along a line which would intersect the North line of said Lot at a point 164.4 feet west of the Northeast corner of said Lot to a point which is 92 feet south of the North line of said Lot for the point of beginning; thence from said point of beginning northeasterly to a point on the North line of said Lot 2 which is 164.4 feet west of the Northeast corner of said Lot; thence east 9 feet; thence south parallel to the East line of said Lot, a distance of 92 feet; thence west 19 feet, more or less, to the point of beginning, all in Lot 2, Ruth Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the northeast corner of Kellogg Drive and Bonnie Brae.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The seasonal nursery and garden center shall conform to all requirements of Section III-D.6.z. of the Unified Zoning Code, except that a setback of 20 feet for the fenced outdoor display area shall be allowed along Kellogg Drive.
2. A revised site plan shall be prepared to designate a single row of parking along the northern property line and an outdoor display/storage area extending from the building and display/storage on CON2003-00030 west to about 65 feet east of the existing vacant building, and a double row of parking located between the display/storage area and the vacant building.

3. The area devoted to outdoor display/storage shall be screened from the adjoining residential neighborhood with a solid fence in compliance with the UZC screening standards (Art. IV, Sec. IV-3) at least six but not more than eight feet in height along the northern property line, and shall be enclosed within the wrought iron fenced area designated on the approved site plan. No materials except live plants and garden ornaments such as trellises that exceed this height shall be stored higher than the height of the screening fence, and the outdoor storage area shall be screened from view of Kellogg Drive. Pots, timbers, mulch, rock materials and similar non-living materials shall not be stored higher than the height of the fence and shall not be stored in the parking spaces.
4. Trash receptacles shall not be located closer than 20 feet to the north property line.
5. Lighting standards shall be limited to 14 feet in height including poles, fixtures and base within 100 feet of the north property line.
6. No trailers or portable storage containers shall be stored in the parking spaces along the northern property line or in violation of the outdoor display and storage regulations for the "LC" Limited Commercial zoning district.
7. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
8. The site shall be developed in general conformance with the approved site plan.
9. A landscape plan shall be submitted to comply with the Landscape Ordinance within 60 days of approval of the Conditional Use. Installation of landscaping shall be completed within 180 days of approval of the Conditional Use on the north property line and within 180 days of approval of the Conditional Use or completion of the Kellogg freeway construction project on the south property line.
10. Construction of other improvements shall be completed within one year of approval by the appropriate governing body.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, this date

Carlos Mayans, Mayor
ATTEST:

Karen Sublett, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

AGENDA ITEM NO. 45

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0953

TO: Housing Authority Board Members

SUBJECT: Katrina Disaster Housing Assistance Program

INITIATED BY: Housing and Community Services Department

AGENDA: Housing Authority - Consent

Recommendation: Ratify Wichita Housing Authority participation in the Katrina Disaster Housing Assistance Program and staff signature on the preliminary Consolidated Katrina Disaster Contributions Contract.

Background: The U.S. Department of Housing and Urban Development (HUD) has established a priority to assist displaced Hurricane Katrina Disaster victims. HUD has identified the City of Wichita Housing Authority (WHA) as a potential candidate to assist households that may be eligible for participation in the Katrina Disaster Housing Assistance Program. Because HUD has not yet designated funding for housing authorities, funding exhibits have not been developed.

Analysis: HUD will make payments to the WHA for the program in accordance with HUD requirements, for additional Section 8 vouchers. HUD will pay the WHA the amount approved by HUD to cover rent subsidy payments by the WHA for a program, WHA fees for administration of the program and any other costs or fees that HUD determines necessary for the

program administration. HUD required that the Katrina Disaster Contributions Contract should be mailed to HUD no later than October 10, 2005.

Legal Considerations: None.

Financial Considerations: The program will be financed by the Department of HUD.

Recommendation/Action: Ratify Wichita Housing Authority participation in the Katrina Disaster Housing Assistance Program and staff signature on the preliminary Consolidated Katrina Disaster Contributions Contract.

Agenda Item No. 46

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0954

TO: Wichita Airport Authority

SUBJECT: Tenant Improvements
Security Gate "E" Entrance
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the capital improvement project budget adjustment.

Background: On November 16, 2004 the Wichita Airport Authority approved a project for site preparations and improvements for tenant development. The project includes storm sewer improvements, security enhancements and paving improvements.

Analysis: Plans and specifications have been completed for the Security Gate "E" paving improvements. It has been determined the project budget will need to be adjusted to

accommodate the project. This increase in cost is due to an increased amount of pavement, improved lighting, and additional security improvements included in the project.

Financial Considerations: A budget increase of \$120,000 is requested, and will be funded with General Obligation bonds paid for with Airport revenue and recovered through land rentals. The increase will result in a project budget of \$315,000.

Legal Considerations: The Law Department has approved the Authorizing Resolution as to legal form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the capital improvement project budget adjustment and adopt the resolution.

OCA = 501340; UC1 = 1001

(Published in the Wichita Eagle on _____, _____.)

RESOLUTION NO. _____

AN RESOLUTION DECLARING THAT A PUBLIC NECESSITY EXISTS FOR, AND THAT THE PUBLIC SAFETY, SERVICE AND WELFARE WILL BE ADVANCED BY, THE AUTHORIZATION OF CERTAIN CAPITAL IMPROVEMENTS TO THE WICHITA MID-CONTINENT AIRPORT FACILITY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS; THE ESTIMATED COSTS THEREOF; AND THE MANNER OF PAYMENT OF SAME.

WHEREAS, K.S.A. 3-114 provides that an airport authority established pursuant to K.S.A. 3-162 shall have the power to equip, improve and maintain an airport and

WHEREAS, K.S.A. 13-1348a provides that a city having an airport authority established pursuant to K.S.A. 3-162 is authorized to issue general obligation bonds for the purpose of purchasing land for airport purchases or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to any such lands.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements, specifically, Tenant Improvements (2000 Airport Road) to the Wichita Mid-Continent Airport facility operated by the Wichita Airport Authority of the City of Wichita, Kansas.

SECTION 2. That the cost of the above described improvements is estimated to be Three Hundred Fifteen Thousand Dollars (\$315,000), exclusive of the cost of interest on borrowed money, paid by the Wichita Airport Authority of the City of Wichita. Said Wichita Airport Authority cost, shall be financed through the issuance of general obligation bonds under the authority of K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City of Wichita, Kansas.

SECTION 3. That the above described improvements shall be made in accordance with the Plans and Specifications prepared under the direction of the Airport Engineering and Planning Manager and approved by the Wichita Airport Authority. Said plans and specifications are to be placed on file in the office of the Airport Engineering and Planning Manager located at Wichita Mid-Continent Airport.

SECTION 4. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, _____, _____.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY REBENSTORF, DIRECTOR OF LAW

Agenda Item No. 47

City of Wichita
City Council Meeting
October 18, 2005

Agenda Report No. 05-0955

TO: Wichita Airport Authority

SUBJECT: Ballard Aviation d/b/a EagleMed – Amendment No. 3

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the amendment.

Background: Ballard Aviation d/b/a EagleMed operates from a hangar facility located at 6601 Pueblo Road on Wichita Mid-Continent Airport and leases 70,483 sq.ft. of land from the WAA. Ballard has expressed a need for additional automobile parking adjacent to their current leasehold. They are desirous of leasing an additional 8,166 sq.ft. of land in order to expand their parking lot to the west.

Analysis: The parking lot will be constructed at the sole cost of Ballard, and will provide 19 additional parking spaces for their use.

Financial Considerations: Approval of this amendment will result in additional revenue to the WAA in the amount of \$1,543.37 during the first year. Land rent will increase 5% at five-year intervals through the term of the agreement and the renewal options.

Legal Considerations: The amendment has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the amendment, and authorize the necessary signatures.